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Via Overnight Delivery and ECFS

November 20, 2008

Ms. Marlene Dortch
Secretary
Federal Communications Commission
9300 E. Hampton Drive
Capitol Heights, MD 20743-3813

ATTN: Ms. Cathy Seidel, Chief, Consumer & Governmental Affairs Bureau, TRS Certification Program

RE: Application of PAH! VRS Support Services, LLC, for Eligibility to be Compensated From the Interstate Telecommunications Relay Service Fund for the Provision of Video Relay Services, Docket No. 03-123 – PUBLIC VERSION

Dear Secretary Dortch:

Enclosed for filing with the Federal Communications Commission ("Commission") in the above-referenced proceeding, is the *Application of PAH! VRS Support Services, LLC, for Eligibility to be Compensated From the Interstate Telecommunications Relay Service Fund for the Provision of Video Relay Services*. By this Application, PAH! VRS Support Services, LLC applies to the Commission for a finding that PAH! VRS Support Services, LLC meets the requirements for compensation eligibility from the federal Telecommunications Relay Service Fund for the provision of Internet-based Video Relay Service, pursuant to Section 64.606(a)(3) of the Commission's rules.¹

Thank you for your attention to this matter. Questions may be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.

A handwritten signature in black ink, appearing to read 'Andrew O. Isar', is written over the printed name.

Andrew O. Isar

Regulatory Consultants to
PAH! VRS Support Services, LLC

Enclosure

cc: Thomas Chandler, Chief, Disability Rights Office (via electronic delivery)
Greg Hlibok, Disability Rights Office (via electronic delivery)
Susan Kimmel, Disability Rights Office (via electronic delivery)

¹ 47 C.F.R. §64.606(a)(3)(3).

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Application of PAH! VRS Support Services, |) | |
| LLC for Eligibility to be Compensated From the |) | CG Docket No. 03-123 |
| Interstate Telecommunications Relay Service |) | |
| Fund For the Provision of Video Relay Services |) | |

**PAH! VRS SUPPORT SERVICES, LLC
VIDEO RELAY SERVICE CERTIFICATION APPLICATION**

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Gig Harbor, WA 98335**

**Regulatory Consultant to
PAH! VRS Support Services, LLC**

November 20, 2008

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**PAH! VRS SUPPORT SERVICES, LLC
VIDEO RELAY SERVICE CERTIFICATION APPLICATION**

PAH! VRS Support Services, LLC (“Applicant” or “PAH! VRS”), pursuant to section 64.606(a)(2) of the Commission’s rules,¹ Requirements for VRS and Internet Protocol (“IP”) Relay Provider FCC Certification, respectfully applies to the Commission for a finding that PAH! VRS is eligible for compensation from the federal Telecommunications Relay Service (“TRS”) Fund for the provision of advanced-technology Video Relay Services (“VRS”).² By the instant Application, PAH! VRS demonstrate that it 1) meets, or has the capability to meet and exceed, the Commission’s Mandatory Minimum Standards, for the provision of telecommunications (and video) relay services set forth in sections 64.604 and 64.605, 64.606, 64.611 and 52.34 of the Commission’s rules, as amended; 2) that it meets or is working to meet Commission-waived Mandatory Minimum Standards for the provision of VRS; 3) that it is complying

¹ 47 C.F.R. §64.606(a)(2); formerly 47 C.F.R. §64.605(a)(2).

² Applicant does not currently propose to provide Internet Protocol (“IP”) Relay Services, and does seek TRS Fund eligibility for IP Relay, accordingly.

with recent Commission orders governing emergency 911 access for subscribers and ten digit dialing capabilities of the provision of VRS; and 4) that it should be certified as eligible for compensation from federal TRS Fund for the provision of its advanced-technology IP-based VRS. In support of its Application, PAH! VRS states as follows.

I. INTRODUCTION

By the instant Application, PAH! VRS seeks Commission certification that the Company currently complies with, and can demonstrate compliance with, applicable FCC operational, technical, and functional Mandatory Minimum Standards (“MMS”) for the provision of VRS to all subscribers and users of its VRS as set forth in section 64.604(a) and (b) and applicable provisions of sections 64.605, 64.606, 64.611 and 52.34 of FCC regulations. PAH! VRS seeks Commission certification of compliance for purposes of drawing upon federal Telecommunications Relay Service program funding for the provision of VRS services, pursuant to section 64.604 (c)(5)(ii), Cost Recovery, of FCC regulation.

Applicant is a recently-organized provider of video relay services. Applicant is owned by members of, and stakeholders in, the Deaf Community. Although PAH! VRS is recently-organized, the Company’s senior management team represents more than thirty (30) years of managerial and senior VRS/TRS call center management and operational experience that is exceptionally well suited to support the Company’s successful provision of VRS. An overview of PAH! VRS’s senior management team is attached hereto at **Exhibit A**. PAH! VRS further employs and contracts with certified Communications Assistants (“CAs”) having extensive interpreting skills and experience, typified by the individual whose *curriculum vitae* is also included at **Exhibit A**. PAH!

VRS's management and CA teams maintain long-standing associations with the Deaf Community. Several managers and CAs are Children of Deaf Adults ("CODA") and are exceptionally qualified to serve the Deaf community through the provision of VRS.

PAH! VRS's senior management team founded the Company to address shortcomings they experienced in the provision of VRS with other providers. Such shortcomings have included an inflexible application of technology, company-driven rather than caller-driven features and services, and a seeming disenfranchisement between service providers and their customers. In recognizing these shortcomings, and with the advent of a more competitive environment for the provision of VRS services, PAH! VRS's founders drew on their extensive technical, managerial, and Deaf Community experience in organizing the Company to deliver reliable, flexible, and inclusive services to the Deaf Community; *e.g.* to give the Deaf Community a meaningful choice of VRS providers.

Applicant has also assembled a team of certified, American Sign Language CA professionals, each with years of experience in serving the Deaf Community. CAs are given broad authority to meet client needs. The Company's mandate is to strive to exceed the MMS and provide an exceptional, personalized client calling experience. Although the Company is recently organized, the management and CA team's long-standing experience and strong desire to provide the Deaf Community with service that far surpasses the "functionally equivalent" standard, translate into an effective, compliant organization that is eager and prepared to "hit the ground running" with the grant of the instant Application

Applicant engaged in extensive research to identify and deploy a proven, advanced, “state of the art,” interoperable, Internet Protocol (“IP”)-based VRS calling platform technology that provides maximum flexibility to its users when placing VRS calls. PAH! VRS’s selected as its VRS platform, a platform designed and developed by URrelay, Inc.³ URrelay is an established provider of proven VRS, IP Relay, TRS and other types of call platforms, utilizing a technologically-advanced software application “client” and IP transmission medium, over broadband facilities. The URrelay, Inc. VRS platform specifically, has been customized and tested to ensure the highest level of quality and flexibility of VRS possible. The VRS platform has also been designed to incorporate extensive automated reporting capabilities to enable effective corporate management and meet regulatory compliance obligations. The VRS platform is scalable to accommodate the Company’s anticipated growth, and can be continually updated to incorporate additional features as deemed desirable or necessary in the future. Applicant’s VRS platform is interoperable with other VRS and telecommunications relay service (“TRS”) applications, including other VRS provider-specific equipment, and does not preclude callers from accessing other TRS/VRS providers.

PAH! VRS now seeks to draw from federal TRS program Fund to provide its VRS to and for the Deaf Community pursuant to section 64.606 (a)(2) of Commission rules. As demonstrated below, PAH! VRS meets or exceeds federal Mandatory Minimum operational, technical, and functional Standards for the provision VRS to the public, is meeting or has met waived Mandatory Minimum Standards for VRS, and

³ <http://www.urrelay.com/>

should be deemed eligible for purposes of qualifying for federal funding of the Company's direct VRS costs through the TRS program fund.

Approval of the instant Application and certification of PAH! VRS furthers the objectives of section 225 and the stated goals of this Commission. Certification of PAH! VRS will enhance competition, giving consumers greater choice and bringing innovation to VRS and IP relay.⁴ Certification of PAH! VRS will indeed introduce an innovative, technologically-advanced competitor to these markets. Certification of PAH! VRS will also stimulate greater broadband deployment,⁵ as broadband connectivity is an integral component of PAH! VRS's service, and will bring the provision of VRS a quantum step closer to "functional equivalency" to voice services. PAH! VRS respectfully requests that the Commission certify PAH! VRS's compliance with federal Mandatory Minimum Standards and eligible for compensation from the federal Telecommunications Relay Service program Fund, accordingly.

II. BACKGROUND

According to a 1994 National Center for Health Statistics, National Health Interview Survey, more than 20 million Americans, or 8.6 percent of the U.S. population over the age of three were reported as having an inability to hear properly.⁶ Gallaudet University more recently reported that:

⁴ See, e.g., *Report and Order* at para.21; 47 U.S.C. 225.

⁵ See, e.g., *Report and Order* at para. 21, and footnote 81.

⁶ Center for Assessment and Demographic Studies, Gallaudet University, *Demographic Aspects of Hearing Impairment: Questions and Answers*, Third Edition (1994) <http://gri.gallaudet.edu/Demographics/factsheet.html#Q1>

About 2 to 4 of every 1,000 people in the United States are "functionally deaf," though more than half became deaf relatively late in life; fewer than 1 out of every 1,000 people in the United States became deaf before 18 years of age.

However, if people with a severe hearing impairment are included with those who are deaf, then the number is 4 to 10 times higher. That is, anywhere from 9 to 22 out of every 1,000 people have a severe hearing impairment or are deaf. Again, at least half of these people reported their hearing loss after 64 years of age.

Finally, if everyone who has any kind of "trouble" with their hearing is included then anywhere from 37 to 140 out of every 1,000 people in the United States have some kind of hearing loss, with a large share being at least 65 years old.⁷

Title IV of the Americans with Disabilities Act of 1990⁸ was designed to further promote universal service objectives set out in the Communications Act of 1934, as amended (the "Act"), by providing to individuals with hearing or speech disabilities telephone services that are "functionally equivalent" to those available to individuals without such disabilities.⁹ Congress recognized that persons with hearing and speech disabilities have long experienced barriers to their ability to access, utilize, and benefit from telecommunications services.¹⁰ Attendant federal regulations implementing the provisions of Title IV and section 225 of the Act have been codified in Part 64, Subpart

⁷ See Gallaudet University, Demographics, <http://gri.gallaudet.edu/Demographics/deaf-US.php>.

⁸ Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990), adding Section 225 to the Communications Act of 1934 (Communications Act), as amended, 47 U.S.C. § 225; implementing regulations at 47 C.F.R. § 64.601 *et seq.* In Title IV, Congress announced that "[i]n order to carry out the purposes established under section 1 [of the Communications Act of 1934], to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States." 47 U.S.C. § 225(b)(1).

⁹ See, e.g., H.R. Rep. No. 485, Pt. 2, 101st Cong., 2d Sess. at 129-130 (1990) ("House Report") (Section 225 "imposes on all common carriers providing interstate or intrastate telephone service[] an obligation to provide to hearing and speech-disabled individuals telecommunications services that enable them to communicate with hearing individuals. These services must be functionally equivalent to telephone service provided to hearing individuals."); 47 U.S.C. § 225(a)(3).

¹⁰ See, e.g., *House Report* at 129.

F, Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities as subsequently amended.¹¹

Federal TRS/VRS regulation has evolved and adapted to new technology and changes in an increasingly competitive industry. In March 2000, the FCC tentatively concluded that VRS is a form of TRS.¹² The FCC found that TRS encompasses VRS, and that VRS would make relay services functionally equivalent to conventional telephone service for individuals whose first language is American Sign Language.¹³ The FCC did not at that time mandate the provision of VRS, given its technological nascence.¹⁴ Yet the FCC encouraged the use and development of VRS and established that all VRS calls would be eligible for cost recovery from the Interstate TRS Fund on an interim basis.¹⁵

The desirability of technologically advanced VRS by the Deaf Community is well documented. In its 2004 Report to Congress, *Availability of Advanced Telecommunications Capability in the United States*, the Commission addressed the growing importance of VRS and IP relay as tools for the hearing and speech impaired,

Broadband-based Internet services have also become a critical communications tool for the deaf and hard-of-hearing, through the use of Internet Protocol Relay (IP Relay) and Video Relay Service (VRS), two forms of telecommunications relay services (TRS) that rely on the Internet. This report shows that there has been more than a 640 percent

¹¹ 47 C.F.R. §64.601 *et. seq.*

¹² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 5140 (March 6, 2000).

¹³ *Id.* 15 FCC Rcd at 5152-5153, para. 23.

¹⁴ *Id.*, 15 FCC Rcd at 5152, para. 22.

¹⁵ *Id.*, 15 FCC Rcd at 5152-5154, paras. 23-27.

increase in IP Relay usage and more than a 2,000 percent increase in VRS in the past two years.¹⁶

The Commission's 2005 TRS *Report and Order*¹⁷ underscored the importance of VRS as a significant advancement toward achieving "functional equivalency."

The advent of VRS as a form of TRS has been one of the most important developments in the short history of TRS. VRS allows a deaf person whose primary language is ASL to communicate in ASL with the CA, who is a qualified interpreter, through a video link; the CA, in turn, places an outbound telephone call to a hearing person. During the call, the CA communicates in ASL with the deaf person and by voice with the hearing person. As a result, the conversation between the two end users, deaf and hearing, flows in near real time and in a faster and more articulate manner than with a TTY or text-based TRS call. As a result, VRS calls reflect a degree of "functional equivalency" unimaginable in a solely text-based TRS world. The use of VRS reflects this reality: in April 2005 the monthly minutes of use were approximately 1.8 million, a ten-fold increase in the past two years, and more than the number of interstate traditional TRS minutes.¹⁸

To promote "functional equivalency," Congress further sought to ensure that attendant FCC TRS regulation would in no way stifle technological advancement. Pursuant to section 225(d)(2) of the Act,

The Commission shall ensure that regulations prescribed to implement this section encourage, consistent with section 157(a) of this title, the use of existing technology and do not discourage or impair the development of improved technology.

¹⁶ *Availability of Advanced Telecommunications Capability in the United State*, (FCC Fourth Report to Congress (September 9, 2004) (http://www.ncca.org/wawatch/wwpdf/091004_1.pdf) at 9. The FCC's *Fourth Report to Congress* notes specifically that in June 2002, consumers used 35,443 VRS minutes. In May 2004, consumers used 733,040 VRS minutes; a more than 2,000 percent increase in VRS in the past two years (*Fourth Report to Congress* at 37).

¹⁷ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, CG Docket No. 03-123, CC Docket No. 98-67, FCC 05-140 (July 19, 2005).

¹⁸ *Report and Order* at 3. See TRS Fund Performance Status Report as of May 31, 2005, www.ncca.org (under Resources, then TRS Fund).

Also in 2005, Commissioner Michael J. Copps addressed the critical importance of technologic advancement in communications for those with speech and hearing disabilities, noting that

Americans with disabilities spend much of their time fighting for the opportunities for advancement that others of us just take for granted.... Advances in technology have already made a huge difference for many people with visual, auditory, and ambulatory challenges, and technology can do far more.¹⁹

Until recently, the Deaf and hard of hearing could avail themselves of a limited number of TRS/VRS alternatives to communicate. Such alternatives, including existing VRS applications, historically relied on bulky specialized communications equipment that limited user mobility and potentially restricts accessibility to alternative TRS/VRS applications. These solutions have in some respects not yet fully reached the technological “functional equivalency” standard contemplated by Congress and the Commission, to enable the Deaf, speech and hearing impaired individuals to communicate with the facility, flexibility, and mobility which non-disabled individuals often take for granted.

PAH! VRS has deployed a proven, technologically-advanced VRS solution, which approximates the “functional equivalency” standard set forth in the Act. By providing a simplified, VRS solution, coupled with a highly-dedicated, motivated, professional and experienced team of CAs and managers, PAH! VRS is capable of providing a VRS calling experience that approximates “functional equivalency.” PAH!

¹⁹ Remarks of FCC Commissioner Michael J. Copps, Cellular Telecommunications and Internet Association Wireless Accessibility Workshop, New Orleans, LA, March 14, 2005.

VRS seeks to bring the tangible benefits of its VRS solutions to the Deaf Community as a new technologically-advanced VRS provider.

PAH! VRS respectfully requests Commission certification of PAH! VRS's compliance with federal Mandatory Minimum Standards pursuant to sections 64.604 and 64.605, 64.606, 64.611 and 52.34 of the Commission's rules for purposes of drawing compensation from the federal Telecommunications Relay Service program Fund, in order to begin serving the Deaf Community, speech and hearing disabled, and those who contact them subject to federal funding, and to bring subscribers one step closer to "functional equivalency."

III. PAH! VRS SUPPORT SERVICES, LLC

Applicant's name, address and telephone number are as follows:

PAH! VRS Support Services, LLC
1 Waterfall Way
Cataula, Georgia 31804

Call Center

PAH! VRS Support Services, LLC 5915 South Emerson Ave. Suite 100
Indianapolis, Indiana 46237
Telephone: 317.534.2474

Correspondence regarding the instant Petition should be addressed to Applicant's regulatory consultant,

Andrew O. Isar
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240 (until December 15, 2008)
4423 Pt. Fosdick Dr. NW, Ste. 306 (beginning December 15, 2008)
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IV. PAH! VRS IS ELIGIBLE FOR COMPENSATION FROM THE FEDERAL TRS FUND FOR THE PROVISION OF VIDEO RELAY SERVICES AS IT MEETS, AND WILL CONTINUE TO MEET, APPLICABLE MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF VIDEO RELAY SERVICES.

The Commission's *Report and Order* created for the first time an opportunity for federal certification of VRS provider compliance with the Mandatory Minimum Standards for purposes of drawing from the federal TRS Fund. The Commission's *Report and Order* specifically allowed common carriers seeking to offer VRS or IP Relay, and who are not otherwise able to seek certification through a state program, to qualify for compensation from the federal TRS Fund through a Commission certification process.²⁰ This Commission certification process, now codified at section 64.606(a)(2) of the Commission's rules, establishes the basis for Commission certification that that the VRS and/or IP Relay provider meets the Commission's Mandatory Minimum Standards for the provision of VRS and IP relay services, and is therefore eligible for compensation from the federal TRS Fund.

The information provided in the instant Application is intended to provide the Commission with detailed evidence that PAH! VRS's currently meets or exceeds all non-waived operational, technical, and functional Mandatory Minimum Standards contained in the Commission's rules, that the Company has adopted adequate procedures and remedies for ensuring ongoing compliance with the Commission's rules, including reporting requirements to the Commission and Fund Administrator and availability of informational materials regarding complaint procedures sufficient for users to know the proper procedures for filing complaints; that the Company acknowledges its future

²⁰ *Report and Order* at para.19.

obligation to meet and exceed currently waived Mandatory Minimum Standards applicable to VRS and is working toward compliance; that the Company has met more recently established obligations which include *inter alia* VRS 911 access and ten digit number assignment; and that its services in no way violate applicable Mandatory Minimum Standards and related Commission orders governing those standards.

A. Documentation for VRS Provider Pursuant to 47 C.F.R. §64.606(a)(2).

Section 64.606(a)(2) of the Commission's rules establish the requisite documentation to be submitted by a VRS and IP Relay provider seeking Commission certification independent from any certified state program. PAH! VRS has expended considerable effort and resources in meeting the Commission's Mandatory Minimum Standards and currently waived Mandatory Minimum Standards for VRS providers, as documented below.

1. A description of the forms of TRS to be provided (*i.e.*, VRS and/or IP Relay), 47 C.F.R. §64.606(a)(2)(i).

PAH! VRS proposes to provide video relay services to the public.²¹ Applicant's VRS will be supported by a technologically-advanced, software-based, proven VRS platform, utilizing IP over broadband facilities, which PAH! VRS has deployed. Through this advanced VRS platform, PAH! VRS provides VRS with virtually immediate interpreter access, and a multitude of features and reporting data, supported by an established and recognized communications platform solution developer, URrelay,

²¹ PAH! VRS will also have the capability to provide access to other communications media for the public, although it will focus its services exclusively on the provision of VRS.

Inc.²² PAH! VRS's VRS platform is also designed to support all call types, including Instant Messaging, Text calling, and IP relay text messaging.

Applicant's VRS will be provided to end users via URrelay, Inc.'s Nextlink VRS software "client," and hosted call distribution, management, and analysis platform through a virtual private network. The URrelay, Inc. VRS platform intelligently routes multi-media communications to CAs anywhere, while quickly processing calls in a manner that is entirely transparent to callers. The platform provides extensive management oversight capabilities; capabilities that have been demonstrated effective in meeting Commission TRS Fund administrator reporting obligations, and tools supporting CA productivity enhancements and retention.

The platform software includes an enterprise-grade automatic call distribution system. The platform also includes CA performance optimization features including customer experience survey capabilities, CA scoring analysis, call monitoring, call recording, workforce scheduling and forecasting tools to reduce CA attrition, and targeted training delivered to the CA desktop. Further, the VRS platform is an all-in-one on-demand platform that delivers rapid application development tools for information technology control, and a perpetually managed network with carrier-grade redundancy.

Software Enabled. As a software-based solution, URrelay's VRS platform is scalable, reliable, and is automatically upgraded as new versions become available. The platform consists of several applications modules, each designed to perform specific

²²URrelay, Inc.'s VRS platform has already been proven to provide reliable, exceptional quality VRS to the Deaf community through competing providers of VRS already deemed eligible for compensation from the federal TRS Fund.

functions including call management and CA distribution, management reporting, call and CA performance analysis, among others. URrelay's VRS platform is constantly being updated and can be customized to add new applications and features consistent with client requests and Company experience.

VRS user clients will access PAH! VRS at any location with broadband Internet access, and at no cost. Users will be able to access PAH! VRS through a Nextalk platform software "client" available through the Company's website. Applicant will utilize a specially designed IP gateway that supports H323 devices, including existing videophones, to access Applicant's services without a requirement that users acquire new equipment. Users will also be able to access Applicant's VRS through a variety of devices currently used by consumers, including existing videophones that consumers use with a standard television set.²³

IP Enabled. Applicant's VRS platform and VRS client application utilizes IP as a transmission medium. Coupled with broadband connectivity and software, Applicant's VRS provides reliable, high-quality video and audio transmission capabilities that approximate in-person communications between the caller, interpreter, and called party.

Broadband Connectivity. Applicant's VRS relies on broadband connection with the Internet. The provided broadband facilities are capable of supporting uploading speeds in upwards of 768 kbs and download speeds of 4 to 6 mbs, ensuring high-quality

²³ Minimum system requirement specifications are Windows-based personal computer using Windows 2000 or higher operating system; Minimum ten megabyte hard drive to store the VRS application software; Stable, high-speed Internet connection with a minimum 256 kilobits per second or higher modem; and standard telephone instrument with an assigned ten-digit telephone number that the URrelay VRS application can dial. See, <http://www.urrelay.com/vrs.html>.

communications. And, with the advent of Wi-Fi and Wi-Max wireless broadband connectivity now becoming increasingly available to the public, clients may utilize laptop computers to place calls from any location having high-speed Internet access, when away from their PAH! VRS registered location, according users additional communications mobility.

Virtually Instant Interpreter Access. Callers have the capability to connect to an interpreter, typically in less than eight seconds, 24 hours per day, seven days per week. Callers will be able to identify the desired interpreter to meet the particular needs of each call by accessing separate “skill set determinations” and individual interpreter availability displays via the VRS Platform. Callers may select individual interpreters by gender, language capabilities, skill sets interpreting capabilities, or simply by personal preference.

Unlimited Access and Interoperability. No limitations are imposed on subscribers’ VRS usage or access to alternative providers. Subscribers may place as many or as few VRS calls utilizing Applicant’s VRS platform as desired. Subscribers’ use of Applicant’s VRS in no way limits the subscriber’s access to alternative VRS or TRS providers. PAH! VRS does not block access to other providers, and is fully interoperable with other TRS/VRS equipment, including legacy D-Link VRS equipment.

Enhanced Security. Applicant’s VRS platform utilizes encryption software to ensure the complete confidentiality of all communications processed through the platform. Such encryption provides added security protection for subscribers against illegal monitoring of communications.

Enhanced Features. Applicant's VRS enables subscribers to create and maintain a list of frequently called numbers via the software client, facilitating call setup for those individuals with whom the subscriber communicates most often at the click of a computer screen icon.

Call Tracking and Other Data Collection. A variety of call and usage data are captured and can be organized and made available in real time, historical, and custom formatted management and TRS Fund management reports via Applicant's VRS platform. The flexibility of the platform's call detail accounting and data retrieval capability has enabled PAH! VRS to structure detailed conversation minute, call detail, and *ad hoc* reports that will be used to provide annual and periodic reporting to the Commission and National Exchange Carriers Association, the TRS Fund Administrator. Sample call detail and conversation minute reports are attached hereto at **Exhibit B**.

PAH! VRS's comprehensive VRS platform, functions and features, offer several advantages over other TRS and VRS applications, that simplify communications for disabled users.

2. A description of how the provider will meet all non-waived mandatory minimum standards applicable to each form of TRS offered), 47 C.F.R. §64.606(a)(2)(ii).

PAH! VRS currently meets all non-waived Mandatory Minimum Standards applicable to the provision of VRS, as follows.

Section 64.604(a) of the FCC's rules, as amended, establishes Mandatory Minimum operational, technical, and functional Standards governing the provision of TRS/VRS. Pursuant to section 64.606(a)(2) of the Commission's rules, a TRS/VRS provider may draw upon federal TRS program funding to recoup its costs of providing

TRS/VRS, when demonstrating that the provider fully complies with the Mandatory Minimum Standards contained in federal regulation.²⁴ As set forth below, PAH! VRS maintains that it meets or exceeds federal Mandatory Minimum Standards applicable to the provision of its VRS,²⁵ ²⁶and merits Commission certification of compliance for purposes of recouping costs from federal TRS program funds.

Operational Standards

1. Communications Assistant (“CA”) – Training (47 C.F.R. §64.604(a)(1)).

Standard (i): “TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities.”

PAH! VRS Compliance: Qualified CAs are essential to the successful provision of Applicant’s VRS, its ability to meet its clients’ specialized and varied communications needs, and as the company’s “face” to the public. To qualify for employment, CAs must

²⁴ 47 C.F.R. §64.604(a)(2).

²⁵ For purposes of demonstrating MMS compliance, Applicant interprets the acronym and term “TRS” as synonymous with “VRS” unless the requirement is clearly inapplicable with the provision of VRS services

²⁶ On June 30, 2004, the FCC released a *Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking* in its ongoing TRS proceeding, adopting *inter alia* waivers of the Mandatory Minimum Standards in 47 C.F.R. §64.604 for IP Relay and VRS providers for a specified period of time. Citations to these waivers as set forth therein, are addressed under each Mandatory Minimum Standard to which they apply. See e.g. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities* CC Docket No. 90-571, CC Docket No. 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 04-137 (June 30, 2004) [hereinafter “*2004 TRS Report and Order*”] Amended further by *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, DA 07-5098 (Dec. 26, 2007); See also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, CG Docket 03-123, DA 07-098; DA 08-45; *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket 03-123 and WC Docket No. 05-196, *Report and Order*, FCC 08-78 (March 19, 2008).

first meet Applicant's minimum qualifications for employment, and then demonstrate complete understanding of Applicant's operating standards, before the CA can begin interpreting.

CA candidates are then screened for typing ability, ASL skills and skill certification,²⁷ and then judged for attitude and orientation toward helping the speech and hearing impaired.²⁸ As part of the initial qualifying process, a team of CAs headed by a senior CA, performs candidate screening. Each candidate CA's stated qualifications are reviewed and tested, and the individual's orientation to the position is judged. Screening also includes in depth ASL performance utilizing tools such as the Sign Language Proficiency Index ("SLPI")²⁹ as well as a comprehensive analysis of ASL to voice skills

²⁷ Prospective CAs must maintain one or more of the following certifications Registry of Interpreters for the Deaf (RID), SCS, National Interpreter Certificate, CI or CT, or National Association of the Deaf.

²⁸ PAH! VRS's minimum CA standards are consistent with those set forth by the Commission in its TRS re-certification application, *In the Matter of Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, DA-02-1006, *TRS State Re-Certification Application, Request of the New York State Public Service Commission for Re-Certification of its Telephone Relay Service* (September 30, 2002), "Telecommunication Relay Service (TRS) CAs must, at a minimum, possess the following qualifications: (1) spelling skills at a 12th grade level and the ability to exercise proper telephone etiquette; (2) basic skills in English grammar at a minimum of a 12th grade level; (3) minimum typing speed of 60 words per minute; (4) the ability to understand ASL users as they borrow English, and to translate such communication into English; and, (5) the ability to convey the full content, context, and intent of relay communication they translate. CAs must strive to maintain functional equivalence for both TTY relay users and the non-TTY relay users when a communication is relayed."

²⁹ The Sign Language Proficiency Index ("SLPI") is an established conversational interview technique used to assess sign language communication skills. SLPI enables the interviewer to evaluate individual sign language communication skills (*see* Caccamise & Newell 1995, 1999a; Newell *et al* (1983)). The SLPI is based on, and adapted from, the Language Proficiency Interview ("LPI")/Oral Proficiency Interview ("OPI"), which was developed to assess the communicative competence in a foreign or second language. The SLPI assesses sign language proficiency as used among skilled sign language communicators in the United States, and includes pure, linguistic descriptions of ASL to English influenced meaning based signing. Proficiency is characterized by: (a) meaning-based sign language vocabulary selection consistent with standardized signs in current use by skilled language users, and (b) a variety of grammatical features that are consistent with effective use of gestural/visual language for communication. Grammatical features include: (a) space, indexing, eye gaze, sign movement directionality, and body shifts to separate ideas and to identify and discuss persons, places, and objects and their movements (for example, use of the index finger to represent a person); (b) sign-word order

that is critical to conveying the deaf users message accurately. Candidates are then tested in mock calls to determine operating capabilities. If the candidate passes initial testing and is recommended for employment, security/references are verified. Employees may be subject to drug screening. Only then do candidates qualify for employment at a relay center.³⁰

Each newly hired CA undergoes an initial orientation with presentations from senior management regarding company mission, objectives, obligations, and compliance. New hires receive detailed orientation from experienced CAs, and are provided reference materials, including a listing of compliance requirements and metrics. New CAs receive training on each type of call that may be received, and are given an opportunity to engage in mock practice calls to gain confidence in equipment usage and procedures. The new hire is then monitored closely for a minimum of one week, until standards of performance are exceeded. Ongoing monitoring of performance is maintained with identified areas for improvement given a training plan.

On an ongoing basis, CA's participate in weekly meetings and periodic focus group meetings with volunteer users to discuss operations, share experiences, and provide practical education. A mentor is assigned to the new CA to assist in the CA's development and to serve as an ongoing resource. Each CA is evaluated semi-annually

which facilitates effective communication in gestural-visual language; and (c) facial expressions and other body movements (non-manual signals) to support and add to information communicated (for example, affirmative and negative head movements). In addition to vocabulary and grammatical features, clarity of sign production, fluency, and comprehension are important considerations in effective communication when using a gestural-visual language, and therefore are considered in SLPI ratings. The SLPI was developed at the National Technical Institute for the Deaf (NTID), Rochester Institute of Technology, USA.

³⁰ Contract CA's must also qualify to meet minimum employment standards, even if engaged under contract.

by a supervisor, to ensure that the CA maintains proficiency and meets operational standards. Those CAs who are found substandard are required to engage in remedial training subject to more frequent evaluation, and ultimately dismissal if performance fails to meet minimum standards. PAH! VRS conducts scheduled “refresher courses” and frequent seminars to address topics of particular importance to CAs, to include changes in operating standards and issues affecting PAH! VRS’s subscribers. Guest speakers are invited to address issues of concern to the speech and hearing impaired community. CAs are encouraged to engage in continuing education.

CAs are required to sign a statement agreeing to be bound by the Registry of Interpreters for the Deaf or National Association of the Deaf Code of Professional Conduct through the course of their employment with PAH! VRS.

Standard (ii): “CAs must have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.”

PAH! VRS Compliance: CA professional accreditation is a prerequisite for employment, as noted *supra*. A CA’s typing, grammar, and spelling skills, as well as the CA’s ability to interpret ASL, and familiarity with hearing and speech disability cultures, languages and etiquette, and ability to communicate articulately, are judged as part of the initial screening process, and ongoing post-hire evaluations. Only candidates who qualify based on the determination of the initial CA screening team, are considered for employment or engagement. Although many new hires or contractors will have practical interpreting experience, PAH! VRS’s CA screening team will also consider educational

experience and teacher evaluations for candidates who recently graduated from accredited colleges or training courses.

Standard (iii): “CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed.”

PAH! VRS Compliance: As Applicant offers VRS, primary skill set focus is placed upon the CA’s ability to interpret from ASL. Applicant’s VRS platform further utilizes pre-programmed macros and auto-correcting software to facilitate text interpretation. Nevertheless, because Applicant’s VRS supports instant text messaging, candidates and CAs are expected to meet the minimum 60 words per minute standard, which is incorporated into initial screening tests and subsequent evaluation of CAs.

Standard (iv): “TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A “qualified interpreter” is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”

PAH! VRS Compliance: Employee candidates must maintain professional accreditation through the Registry of Interpreters for the Deaf (RID), SCS, National Interpreter Certificate, CI or CT, or National Association of the Deaf, have demonstrated practical experience as an ASL interpreter and/or be a graduate of an accredited institution’s ASL interpreter program. These minimum requirements, coupled with the extensive screening, ensures that employed CAs are effective in understanding and meeting the communications needs of Applicant’s clients.

Standard (v): “CAs answering and placing a TTY-based TRS or VRS call must stay with the call for a minimum of ten minutes. CAs answering and placing an STS call must stay with the call for a minimum of fifteen minutes.”³¹

PAH! VRS Compliance: Applicant has adopted this standard to the extent applicable to VRS calls and includes the requirement in training and in performance evaluations. PAH! VRS has incorporated the standard in planning for interpreter staffing requirements, as a function of subscribers served and the probability of TTY-based and STS calls. Call detail record report data appears at **Exhibit B**. As a general matter, CA’s are instructed to remain on each call until the call is terminated, even if the call extends beyond the CA’s shift, unless a change in CA’s is expressly authorized by the subscriber.

Standard (vi): “TRS providers must make best efforts to accommodate a TRS user’s requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.”

PAH! VRS Compliance: An inherent function of Applicant’s VRS platform is the ability of subscribers to select interpreter gender, language skills, and even individual interpreters. Interpreter gender, language capabilities, and skill set descriptions appear on the subscriber’s VRS platform client access screen, enabling the subscriber to review available interpreters, and select an interpreter at the click of a button. Subscribers may also make special requests. A sample VRS subscriber screen appears at **Exhibit C**.³²

³¹ STS calling requirements are waived indefinitely. *2004 TRS Report and Order*, para 138 and 139.

³² The URrelay, Inc. Nextlink VRS software client to be used by Applicant’s VRS users has been customized for Applicant, and is to be branded with Applicant’s logo.

Standard (vii): “TRS shall transmit conversations between TTY and voice callers in real time.”

PAH! VRS Compliance: Although only a minority of calls are anticipated to be TTY calls in light of the fact that Applicant’s service is intended specifically to provide VRS, CAs are required to support text messaging, including TTY calls, as noted *supra* at “Standard (v).”

To evaluate ongoing CA operational standard compliance, Applicant has adopted a Quality Assurance Program comprised of three key functions:

1. **Monthly CA Surveys** – PAH! VRS conducts formal monthly surveys of CA performance to evaluate work performance, personal effectiveness, and attendance. Survey results are used to provide CAs with objective performance measures.
2. **Quality Assurance Test Calls** – Frequent test calls are placed to CAs to evaluate call-processing capabilities. Each CA is given immediate critiques and areas for improvement are underscored.
3. **Subscriber Surveys** - Subscribers are requested to provide feedback on their calling experience on an ongoing basis. Additionally, *ad hoc* surveys are made by CA supervisors to solicit specific observations from subscribers. Anonymous survey responses are provided to all CAs and to specific CAs if subscriber responses pertain to an individual CA.

Applicant’s Quality Assurance Program ensures that standards are met, and moreover, that subscribers’ calling experience is exceptional, and that CAs remain proficient in serving subscribers.

2. Communications Assistant-- Confidentiality and conversation content.
(47 C.F.R. §64.604(a)(2)).

Standard (i): “Except as authorized by section 605 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls.”

PAH! VRS Compliance: Applicant has adopted strict privacy standards, not only regarding communications content, but also with regard to subscriber data. Communications contact standards pursuant to 47 U.S.C. 605 and generally, are incorporated into PAH! VRS’s policies, training program, Code of Professional Conduct compliance, and compliance checklist provided to all CAs. CAs are bound to comply with Applicant’s confidentiality policy. CA’s found to have violated prohibition regarding the disclosure of call content and any relayed conversation regardless of content, will be subject to immediate disciplinary action, up to and including termination of employment, following a full investigation of claims of a breach of confidentiality.

CAs retain access to call data and the identity of the caller (collectively “call set up data”) only so long as the caller is connected to the CA. Call set up data remains confidential and cannot be used for any other purposes, unless in the case of an emergency situation. Following disconnection of a call, the CA does not maintain any ability to review or retain call set up data. Call detail is stored in a separate server and

available exclusively for management reporting purposes in aggregate, and is not accessible to any CA.

Only supervisory staff may monitor a calls for quality assurance and training, and then, only with the expressed approval of the caller. CAs receive calls in work centers, which are physically isolated and preclude inadvertent viewing of a call by other individuals. CA's work from secured premises. CAs work in fully secured and enclosed offices as opposed to not cubicles, further ensuring privacy of content. CAs utilize hands-free headsets which preclude others from hearing call content.

Standard (ii): "CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call. An STS³³ CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained."

PAH! VRS Compliance: CA's are generally bound to this standard through compliance with national interpreter association codes of professional conduct, adopted by PAH! VRS. Consistent with Applicant's policies regarding call content security, prohibitions against altering or summarizing a relayed conversation without the expressed direction of the subscriber are incorporated into PAH! VRS's training program and compliance checklist provided to all CAs. CA's found to have violated such prohibition may be

³³ Speech-to-Speech.

subject to immediate termination of employment following investigation. No call information is retained by the CA once the inbound call is released from the CA position.

3. Types of Calls (47 C.F.R. §64.604(a)(3)).

Standard (i): “Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services.”

PAH! VRS Compliance: This standard is incorporated into Applicant’s training program and compliance checklist provided to all CAs, and is verified through PAH! VRS’s Quality Assurance Program. Operationally, the inherent nature of Applicant’s VRS precludes any CA who is on duty at an interpreting station to refuse any VRS call that has been directed to the CA’s station. Any confirmed intentional premature call termination is subject to disciplinary action, up to and including termination of employment.

Standard (ii): “Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call.”³⁴

³⁴ Types of Calls requirements are waived through January 1, 2009, originally January 1, 2008 per the 2004 TRS Report and Order, para 113 through 115. “We agree with the parties that it remains technologically infeasible for VRS providers to offer operator assisted calls and to bill for certain types of long distance calls because one leg of the VRS call is transmitted over the Internet. We therefore grant VRS providers a waiver of this TRS requirement until January 1, 2008, conditioned on the filing of an annual report with the Commission as indicated above. We will also continue to require VRS providers to allow calls to be placed using calling cards and/or to provide free long distance calls during the waiver period.” “The waivers of certain TRS mandatory minimum standards for VRS and IP Relay will expire on January 1, 2009, except the waiver of the speed dialing requirement for VRS, which will expire on April 30, 2008.” See, e.g. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, DA 07-5098 (Dec. 26, 2007) [“Extension Order”]; See also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, CG Docket 03-123, DA 07-098; DA 08-45; *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket 03-123 and WC Docket No. 05-196, Report and Order, FCC 08-78 (March 19, 2008)

PAH! VRS Compliance: Applicant's VRS is designed specifically to process VRS calls, although other calls including text and other non-VRS calls are supported through the Applicant's VRS platform, as discussed *infra*. As PAH! VRS does not bill subscribers or called parties for calls. Alternative billing calls such as person-to-person, reverse bill, or third-party billed typically placed as operator-assisted calls are inapplicable to PAH! VRS's offerings, and not supported, accordingly.

Standard (iii): "Relay service providers are permitted to decline to complete a call because credit authorization is denied."

PAH! VRS Compliance: No PAH! VRS subscriber will be denied access to place calls for financial reasons, as VRS is in any event, provided to subscribers at no cost.

Standard (iv): "Relay services shall be capable of handling pay-per-call calls."³⁵

PAH! VRS Compliance: PAH! VRS avers to comply to the extent ultimately required by the FCC. PAH! VRS's CA do have the capability of placing pay-per-call calls utilizing a subscriber's calling card or credit card if so directed by the subscriber.

Standard (v): "TRS providers are required to provide the following types of TRS calls: (1) Text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO."³⁶

³⁵ Pay-per-call Service requirements are waived for IP Relay and VRS providers through January 1, 2009. *2004 TRS Report and Order*, para 130 through 132. "We agree with the parties that VRS providers do not have the technology to complete pay-per-call (900 number) calls, and therefore we waive this TRS requirement until January 1, 2008. We believe that technology will be developed to allow VRS providers to handle these types of calls, and will require VRS providers to submit a report annually to the Commission as indicated above and detailing advancements that may enable VRS providers to comply with this requirement." Amended by *Extension Order*.

PAH! VRS Compliance: Applicant has the capability of supporting all types of calls, although the focus remains on the provision of VRS. Applicant's VRS platform has the capability of supporting Voice Carry Over ("VCO"), allowing a user to speak directly to the person he or she is calling and receiving responses through the CA and vice-versa. Applicant has the capability to support VCO-VCO calls, VCO-HCO calls, VCO-TTY, and Two-Line VCO calls. Applicant's VRS is also capable of supporting Hearing Carry Over ("HCO") that allows an individual to listen to the called party and respond in text to be voiced by the CA and vice-versa. HCO users are able to hear the call set-up, ringing, and the called party answering the telephone. PAH! VRS supports HCO-HCO calls, HCO-VCO calls, HCO-TTY calls, and Two-Line HCO calls.

Standard (vi): "TRS providers are required to provide the following features: (1) Call release functionality; (2) speed dialing functionality; and (3) three-way calling functionality."

PAH! VRS Compliance: Applicant's VRS platform has built-in subscriber termination capabilities and a frequently called number listing accessible by clicking the appropriate function on the subscriber's computer screen, as shown in **Exhibit C**. PAH! VRS VRS platform supports, and CA's are trained to perform, three-way calling.

³⁶ Types of Calls requirements are waived for IP Relay and VRS providers through January 1, 2009. *2004 TRS Report and Order*, paras. 134, 135. "This waiver is conditioned on the annual submission of a report to the Commission [FCC] as detailed above." Amended by *Extension Order*.

Standard (vii): “Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages.”

PAH! VRS Compliance: Applicant will record voice mail messages for subscribers who currently use voice mail devices, as requested by the subscriber. Applicant is working with URrelay, Inc. to establish a process for recording video mail and informing subscribers of new messages, which can be accessed directly by the subscriber. This function will be technologically possible following full deployment of ten digit dialing later this year. Subscribers may also request that the CA assist in recording a video or voice mail message when the subscriber encounters a busy or do-not-answer call.

Standard (viii): “TRS providers shall provide, as TRS features, answering machine and voice mail retrieval.”

PAH! VRS Compliance: As noted *supra*, voice mail will be made available to requesting subscribers.

4. Handling of emergency calls. (47 C.F.R. §64.604(a)(4)) and amended Section 64.605.

Standard: “(4) Emergency call handling requirements for TTY-based TRS providers. TTY-based TRS providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP

that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.”³⁷

“Our rules require TRS providers to automatically and immediately transfer emergency calls to an appropriate public safety answering point (PSAP).³⁸ The *VRS Waiver Order* granted VRS providers a two-year waiver of this requirement, but also required VRS providers to clearly explain on their website and in any VRS promotional materials “the shortcomings and potential dangers of using VRS to place an emergency call using 911.”³⁹ ⁴⁰ “In the *Interim Emergency Call Handling Order*, the Commission terminated the temporary waivers of the emergency call handling rule, effective May 21, 2008, for VRS, IP Relay, and IP CTS in light of the “present imperative to provide Internet-based TRS users a reliable means of accessing emergency services.”⁴¹ The Commission required Internet-based TRS providers to “accept and handle emergency calls” and to access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller’s location, and to relay the call to that entity. Further, the Commission promulgated the following Standards under Section 64.605, as amended by the Commission’s June 2008 *Report and Order and Further Notice of Proposed Rulemaking*.⁴² ⁴³

PAH! VRS Compliance: Applicant does not propose to provide TTY-based TRS, although maintains the ability to support TTY-based TRS. The provisions of amended

³⁷ See *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Report and Order*, 23 FCC Rcd 5255 (Mar. 19, 2008) (“*Interim Emergency Call Handling Order*”), [FCC 08-78], amended *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Order*, FCC 08-210, (rel. September 19, 2008), Appendix B.

³⁸ See 47 C.F.R. § 64.604(a)(4); see also *Second Improved TRS Order & NPRM* at ¶¶ 37-42.

³⁹ *VRS Waiver Order* at ¶ 14.

⁴⁰ 2004 *TRS Report and Order*, ¶ 116, footnotes from original.

⁴¹ *Interim Emergency Call Handling Order*, para. 16.

⁴² See *id.*; 47 C.F.R. § 64.605 (setting forth additional operational standards applicable to Internet-based TRS).

⁴³ See, e.g. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123 and WC Docket No. 05-196, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 08-151 (Rel. June 24, 2008) [“*Report and Order and Further Notice of Proposed Rulemaking*”].

Section 64.604(a)(4) governing TTY services are inapplicable, accordingly.⁴⁴ As Applicant proposes to provide Internet-based VRS, Applicant's compliance focuses on the amended provisions of Section 64.605(b) governing emergency call handling requirements for VRS providers, and related requirements for Internet-based TRS Registration in new Section 64.611⁴⁵ and Section 52.34⁴⁶ applicable to Internet-Based TRS providers adopted under the *Interim Emergency Call Handling Order and Report and Order and Further Notice of Proposed Rulemaking*, addressed further below. Applicant's URrelay, Inc. VRS platform has been designed to comply with amended section 64.605 for emergency call handling, and is currently compliant, as demonstrated in **Exhibit D**. The platform has the capability to determine callers' physical locations through access to the Neustar Registered Location database, and route emergency 911 calls to the Public Safety Answering Point responsible for serving each caller, through arrangements with other carriers, including incumbent local exchange carriers. Applicant will receive ten digit North American Number Plan telephone number assignments for subscribers through its arrangement with URrelay, Inc. as a "numbering partner," pursuant to new Section 64.611 promulgated under the Commission's June 24, 2008 *Report and Order and Further Notice of Proposed Rulemaking* governing assignment of

⁴⁴ "We note that, as amended by the *Interim Emergency Call Handling Order*, section 64.604(a)(4) now applies exclusively to TTY-based TRS providers. The emergency call handling requirements applicable to Internet-based TRS providers are now set forth in section 64.605 of the Commission's rules." See *Interim Emergency Call Handling Order*, 23 FCC Rcd at 5275-76, Appendix B." *Report and Order and Further Notice of Proposed Rulemaking* footnote 36.

⁴⁵ 47 C.F.R. §64.611.

⁴⁶ 47 C.F.R. §52.34.

uniform, conventional ten-digit telephone numbers by all Internet based telecommunications relay service providers, as discussed further *infra*.

Further, PAH! VRS avers to prominently inform subscribers of the process for placing emergency VRS 911 calls in promotional materials, PAH! VRS's website, and when users access PAH! VRS's VRS platform via the Internet. Text of this notice is attached hereto at **Exhibit E**.

With respect to the specific requirements set forth in amended Section 64.605, Applicant provides the following statement of compliance.

§64.605 Emergency Calling Requirements

(b) E911 Service for VRS and IP Relay

(1) *Scope*. The following requirements are only applicable to providers of VRS or IP Relay. Further, the following requirements apply only to 911 calls placed by users whose Registered Location is in a geographic area served by a Wireline E911 Network.

(2) *E911 Service*. As of December 31, 2008:

(i) VRS or IP Relay providers must, as a condition of providing service to a user, provide that user with E911 service as described in this section;

(ii) VRS or IP Relay providers must transmit all 911 calls, as well as ANI, the caller's Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number for each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter, provided that "all 911 calls" is defined as "any communication initiated by a VRS or IP Relay user dialing 911";

PAH! VRS Compliance: PAH! VRS will access Neustar, Inc.'s, Registered Location numbering assignment administrator's database and populate user data with assigned ten digit numbers that reflect the user's physical location for use in proper routing of

emergency calls to the local public safety access point emergency authority that corresponds to the caller's location, and to relay the call to that entity. Applicant has learned that it is currently precluded for registering with Neustar, Inc. for access to the Registered Location Database until certified by the Commission as eligible for compensation from the federal TRS Fund. Applicant's compliance therefore is predicated on Commission certification. Applicant avers compliance immediately upon certification.⁴⁷

As applicant will begin maintaining the caller's registered location from the onset of its operations, the Registered Location will be a matter of record for all subscribers. Nevertheless, in an abundance of caution, CAs will be directed to confirm the registered location on each 911 emergency call before directing the call to the appropriate PSAP through the URrelay VRS platform.

Applicant's VRS Platform will automatically transmit both the caller's name and Registered Location. The Platform will also identify Applicant as the VRS provider and the CA's identification and call back numbers with the data transmitted to the PSAP.

(iii) All 911 calls must be routed through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network; and

PAH! VRS Compliance: URrelay VRS Platform will transmit automatic number identification ("ANI") based on the assigned ten-digit number established in the Registered Location database for Applicant's subscribers. ANI data will be transmitted

⁴⁷ Applicant has attempted to register with Neustar, Inc. for access to the Registered Location Database. See, e.g., **Exhibit F**.

to the serving PSAP through URrelay's dedicated 911 routing facilities and arrangements with interconnecting carriers.

(iv) The Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number must be available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.

PAH! VRS Compliance: Applicant's VRS Platform is configured to automatically identify Applicant and the CA's identification number to the PSAP, in conjunction with ANI information obtained through Neustar's Registered Location database.

(3) *Service Level Obligation.* Notwithstanding the provisions in paragraph (b)(2) of this section, if a PSAP, designated statewide default answering point, or appropriate local emergency authority is not capable of receiving and processing either ANI or location information, a VRS or IP Relay provider need not provide such ANI or location information; however, nothing in this paragraph affects the obligation under paragraph (c) of this section of a VRS or IP Relay provider to transmit via the Wireline E911 Network all 911 calls to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter.

PAH! VRS Compliance: Applicant so acknowledges.

(4) *Registered Location Requirement.* As of December 31, 2008, VRS and IP Relay providers must:

(i) Obtain from each Registered Internet-based TRS User, prior to the initiation of service, the physical location at which the service will first be utilized; and

(ii) If the VRS or IP Relay is capable of being used from more than one location, provide their Registered Internet-based TRS Users one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the VRS or IP Relay. Any method utilized must allow a Registered Internet-based TRS User to update the Registered Location at will and in a timely manner.

PAH! VRS Compliance: In order for subscribers to select Applicant as a preferred provider and download the software client for placing VRS calls via Applicant's VRS, subscribers will be required to register with PAH! VRS. Through this registration process, subscribers will be asked to provide necessary contact information, including physical location, needed to populate the Registered Location database. Subscribers will be able to register and update information over a secure Internet web site, via email, or by contacting Applicant's customer service in writing or telephonically, with proper verification of identity. Further Applicant's operating procedures dictate that CA's verify Registered Location information on all emergency calls. Applicant will provide background information on the use of customer proprietary network information to be collected and in its use specifically for complying with 911 access requirements.

(c) Deliver to the PSAP, designated statewide default answering point, or appropriate local emergency authority, at the outset of the outbound leg of an emergency call, at a minimum, the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number, thereby enabling the PSAP, designated statewide default answering point, or appropriate local emergency authority to re-establish contact with the CA in the event the call is disconnected; and

(d) In the event one or both legs of an emergency call are disconnected (i.e., either the call between the TRS user and the CA, or the outbound voice telephone call between the CA and the PSAP, designated statewide default answering point, or appropriate local emergency authority), immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority and resume handling the call, when feasible;

PAH! VRS Compliance: Although all required information will be transmitted under Applicant's URrelay platform, Applicant's standard operating procedure directs CAs to obtain PSAP contact information immediately, and establish the CA's identity to ensure that in the event that the call is disconnected, the call can immediately be reestablished.

(e) Ensure that information obtained as a result of this section is limited to that needed to facilitate 911 services, is made available only to emergency call handlers and emergency response or law enforcement personnel, and is used for the sole purpose of ascertaining a customer's location in an emergency situation or for other emergency or law enforcement purposes.

PAH! VRS Compliance: Applicant avers to strictly protect the confidentiality of all customer proprietary information pursuant the requirements set forth in this section, Section 64.604(a)(2)(i), and to be voluntarily bound by the provisions of the Commission's Customer Proprietary Network Information rules, at Section 64.2001 *et seq.*⁴⁸

5. STS Called Numbers (47 C.F.R. §64.604(a)(5)).

Standard: "Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider."⁴⁹

PAH! VRS Compliance: Applicant's VRS platform has the ability to process STS calls, but does not currently have the capability of maintaining a list of names and telephone numbers which STS users might call. PAH! VRS's VRS platform does enable subscribers to maintain a list of frequently contacted individuals and telephone numbers which enable the subscriber to initiate a call to the individual by clicking the option on the user's screen. The subscriber's personal list is maintained on the VRS Platform

⁴⁸ 47 C.F.R. §64.2001 *et seq.*

⁴⁹ STS calling requirements are waived indefinitely. 2004 TRS Report and Order, paras. 138 and 139.

obviates the need for maintaining a list at the relay center, and creates an additional level of security for the user.

Technical Standards

1. ASCII and Baudot. (47 C.F.R. §64.604(b)(1)).

Standard: “TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use.”

PAH! VRS Compliance: Applicant’s VRS supports text messaging, and may be accessible through other forms of conventional text/data transmissions including ASCII and Baudot format, generated through most TRS equipment.

2. Speed of Answer. (47 C.F.R. §64.604(b)(2)).⁵⁰

Standard (i): “TRS providers shall ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.”

PAH! VRS Compliance: PAH! VRS has developed an algorithm that enables accurate calculation of the number of CAs needed to support registered subscribers in order to maintain a P.01 voice grade of service equivalency and Commission answer time standards, based on anticipated call volumes by time of day. This algorithm has been tested and has been demonstrated effective in ensuring proper staffing. The algorithm generally calls for 40 CAs to support the first 1,000 subscribers, and 30 CAs per each additional 1,000 users, based on standard usage data available to the Company. PAH! VRS further engages in active usage monitoring to determine staffing adjustments by

⁵⁰ Speed of Answer calling requirement waiver for VRS providers expired on April 30, 2008. *Extension Order.*

time of day, in accordance with actual calling volumes by time, which will be used to refine the algorithm. The relay center supervisor will monitor available interpreters both directly and through real time VRS platform call management reports. If call volumes appear particularly high, the supervisor will be able to contact “on-call” CAs and bring them online within minutes. This flexibility ensures that PAH! VRS maintains sufficient staffing to exceed service quality standards, even under exceptional instances of heavy call volumes.

Standard (ii): “TRS facilities shall, except during network failure, answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network. A TRS facility shall ensure that adequate network facilities shall be used in conjunction with TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

- (A) The call is considered delivered when the TRS facility's equipment accepts the call from the local exchange carrier (LEC) and the public switched network actually delivers the call to the TRS facility.**
- (B) Abandoned calls shall be included in the speed-of-answer calculation.**
- (C) A TRS provider's compliance with this rule shall be measured on a daily basis.**
- (D) The system shall be designed to a P.01 standard.**
- (E) A LEC shall provide the call attempt rates and the rates of calls blocked between the LEC and the TRS facility to relay administrators and TRS providers upon request.”**

PAH! VRS Compliance: Initial trial data results indicate that subscribers are able to reach interpreters within eight (8), and typically five (5) seconds from the time a call is connected under initial tested call volumes. The ability to actively monitor call volumes and assign CAs to support Applicant’s VRS service in real time noted *supra*, ensures that

the minimum service quality standards are met and exceeded on a daily and ongoing basis as projected call volumes are expected to increase. Broadband facility capacity is constantly monitored by PAH! VRS's technical staff to gauge usage and anticipate the need to augment facilities. PAH! VRS avers to submit to the FCC annual MMS compliance report, which summarizes the provider's speed of answer data for the prior twelve-month period, set forth in the *2004 TRS Report and Order*, as amended.

Standard (iii) "Speed of answer requirements for VRS providers are phased-in as follows: by January 1, 2006, VRS providers must answer 80% of all calls within 180 seconds, measured on a monthly basis; by July 1, 2006, VRS providers must answer 80% of all calls within 150 seconds, measured on a monthly basis; and by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation."

PAH! VRS Compliance: Applicant's VRS platform is designed to enable virtual immediate call answering, as most users are able to identify which CAs are available and directly connect to them. Applicant has instituted a daily, weekly, and monthly call data review to verify ongoing compliance, and will make such data available to the Commission and Fund Administrator upon request.

3. Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3)).

Standard: “TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users.”⁵¹

PAH! VRS Compliance: Applicant’s VRS is a supplement to, but does not replace existing subscriber interexchange services if the subscriber is presubscribed to a telecommunications provider. Subscribers retain access to their presubscribed interexchange (and local) carriers. To the extent that a subscriber relies exclusively on Applicant as the subscriber’s *de facto* communications service provider, as envisioned under the Commission’s *Report and Order* governing assignment of uniform ten digit telephone numbers, subscribers will not, as a practical matter, require access to a wireline interexchange carrier. As Applicant’s VRS is accessed through the Internet, interexchange calls placed through Applicant are billed to PAH! VRS, rather than to the subscriber, obviating the need for a subscriber to require access to a particular carrier. Applicant intends to provide domestic interstate and international long distance services, as required by the Commission, at no cost callers. Nevertheless, PAH! VRS has the technical capability to route interexchange calls to the subscriber’s interexchange carrier

⁵¹ On December 31, 2001, the FCC granted a temporary waiver of the requirement for VRS providers in response to a request by Hamilton Telephone Company. “Accordingly, we grant Hamilton’s request for a temporary waiver of the requirement to offer operator assisted calls and billing for certain types of long distances calls. VRS providers must, however, allow VRS calls to be placed using calling cards and/or provide free long distance calls during the wavier period.” The waiver period remains in effect. *See e.g. In the matter of Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Order, DA 01-3029 (December 31, 2001) at para. 10 Extended indefinitely for IP Relay providers and until January 1, 2008 for VRS providers by the *2004 TRS Report and Order* at para 124 through 129. “Until such time, however, we will require VRS providers to provide free long distance service to their VRS customers. We also condition this waiver on VRS providers submitting an annual report to the Commission [FCC] ...” para. 127.

of choice and place calling card calls to carriers using the subscriber's calling card, should the subscriber so request.

4. TRS facilities. (47 C.F.R. §64.604(b)(4)).

Standard (i): "TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not to be provided every day, 24 hours a day."⁵²

PAH! VRS Compliance: Applicant's relay center will operate 24 hours per day, 7 days per week, and will be supplemented by remote call centers throughout the U.S.

Standard (ii): "TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use."

PAH! VRS Compliance: PAH! VRS system utilizes an uninterruptible power supply ("UPS"), to supply emergency backup power to maintain its servers and infrastructure of the system for up to 24 hours after a power failure . During a power outage, the UPS will provide a seamless power transition. Emergency generators are used in the event of a catastrophic emergency at the Company's primary call center location. Emergency power is maintained to all CA equipment, servers, and facilities that support the relay center. Call and other support data are backed up no less than daily and copies are backed up off site, to ensure that data cannot be lost. In exceptional cases of extreme service affecting outages, PAH! VRS also has the capability to route VRS calls to other

⁵² Amended by the FCC's *Report and Order* in CG Docket No. 03-123 and CC Docket No. 98-67, as discussed below. The 2004 TRS *Report and Order* notes that pursuant to 47 C.F.R. §64.604(b)(4), "Relay services that are not mandated by this Commission are not required to be provided every day, 24 hours a day." The FCC goes on to state that "VRS is not a mandatory TRS service" and therefore not subject to perpetual staffing requirements.

call centers that are prepared to support users. PAH! VRS's relay center is housed in a commercial building that meets applicable codes for fire suppression. PAH! VRS has further installed portable fire extinguishers throughout the relay center to enable immediate fire suppression in the event of containable fires.

5. Technology. (47 C.F.R. §64.604(b)(5)).

Standard: “No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 *et seq.*”

PAH! VRS Compliance: Applicant's VRS platform is designed and built by URrelay, Inc., and represents one of the most technologically advanced VRS solutions available today. PAH! VRS's system draws on the power of computer processing, Voice over Internet Protocol transmission, wireless technology, the Internet, and relay center call distribution and management technology, to provide reliable VRS communications for the speech and hearing impaired. Applicant's VRS is provided utilizing Internet Protocol, although SS7 technology may be used.

6. Caller ID. (47 C.F.R. §64.604(b)(6)).

Standard: “When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party.”

PAH! VRS Compliance: Applicant’s VRS platform passes through the number of the center from which the CA is placing the call. With the advent of ten digit telephone number assignments discussed *infra*, PAH! VRS’s platform will also have the capability of passing through the called party’s assigned ten digit telephone number.

Functional Standards

1. Consumer Complaint Logs. (47 C.F.R. §64.604(c)(1)).

Standard (i): “States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.”

PAH! VRS Compliance: Applicant avers to maintain and annually submit a complaint log consistent with the format established by the Commission. Subscribers have the ability to initiate complaints to the CA, a CA supervisor, via electronic mail, and via the Company’s web site. The complaint is logged into PAH! VRS’s complaint tracking system. The CA who received the complaint, or an assigned CA in instances where complaints are not directed to an individual CA, will assign a complaint tracking number, will investigate the issue, and will respond to the complainant in no more than 48 hours. The response is recorded in PAH! VRS’s complaint log. A supervisor will monitor complaint status and will ensure that action is taken within the specified period.

If the complaint entails a technical issue, then a trouble ticket is prepared, documents, and the trouble investigated and resolved by an on-site technician. The technician is responsible for responding to the assigned CA who then communicates with the complainant, and the result is documented.

Standard (ii): “Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year. Summaries of logs submitted to the Commission on July 1, 2001 shall indicate the number of complaints received from the date of OMB approval through May 31, 2001.

PAH! VRS Compliance: PAH! VRS avers to comply. PAH! VRS will submit complaint logs to the FCC and Commission annually and upon request.

2. Contact Persons. (47 C.F.R. §64.604(c)(2)).

“Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following:”

Standard(i): “The name and address of the office that receives complaints, grievances, inquiries, and suggestions.”

PAH! VRS Compliance: The senior individual responsible to receive complaints, grievances, inquiries, and suggestions for PAH! VRS is:

Mr. Bert Pickell
PAH! VRS Support Services, LLC
5915 South Emerson Ave. Suite 100
Indianapolis, IN 46237
Telephone: 317.534.2474
Email: bert [at] PAH!vrs [dot] com

All CAs are immediately responsible for receipt of complaints they receive, pursuing timely resolution, responding to the complainant, and for documentation, subject to

supervisory review. Applicant avers to inform the Commission of the name and address of the senior individual responsible for complaints, grievances, inquiries, and suggestions within one business day of the date of a change in designated individual.

Standard(ii): “Voice and TTY telephone numbers, fax number, e-mail address, and web address;”

PAH! VRS Compliance: Voice and TTY telephone numbers, fax number, e-mail address, and web address are:

| | |
|--------------------|--|
| Voice telephone: | 317.534.2474 |
| Fax number: | 317.534.2070 |
| E-Mail Address: | customerservice@pahvrs.com |
| Web Address: http: | www.pahvrs.com |
| PAH! VRS Access: | callpahvrs.tv |

Standard(iii): “The physical address to which correspondence should be sent.”

PAH! VRS Compliance: Correspondence should be sent to:

PAH! VRS Support Services, LLC
1 Waterfall Way
Cataula, Georgia 31804

Commission inquiries should also be addressed to:

Andrew O. Isar
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240 (until December 15, 2008)
4423 Pt. Fosdick Dr. NW, Ste. 306 (beginning December 15, 2008)
Gig Harbor, WA 98335
Telephone: 253.851.6700
E-Mail Address: [aisar \[at\] millerisar \[dot\] com](mailto:aisar@millerisar.com)

3. **Public Access to Information.** (47 C.F.R. §64.604(c)(2)).

Standard: “Public access to information. Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.”

PAH! VRS Compliance: Applicant will engage in an aggressive outreach program entailing active marketing and targeted educational services targeted to the Deaf Community:

Advertising. Applicant’s experience has shown that “grass roots” referrals and contact are the most effective means of education and advertising for the Deaf Community. Applicant encourages its CAs to remain active in the Deaf Community, to participate in events, maintain contact with community service organizations, and serve as ambassadors for the Company to the Deaf Community. Applicant will also explore effective use of Internet advertising and outreach through its web site.

Partnerships and Affiliations. PAH! VRS will also broaden partnerships and affiliations primarily with local service organizations devoted to serving the Deaf community to make information concerning the Company’s VRS services widely available. Additionally, PAH! VRS will engage in corporate marketing and educational programs, and consider sponsorship opportunities to broaden company name and service

recognition. Further, PAH! VRS encourages its CAs to provide interpreting services to local community service groups.

4. Rates. (47 C.F.R. §64.604(c)(4)).

Standard: “TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.”

PAH! VRS Compliance: Inapplicable. Applicant’s subscribers will not be charged for VRS service.

3. A description of the provider’s procedures for ensuring compliance with all applicable TRS rules, 47 C.F.R. §64.606(a)(2)(iii).

A description of Applicant’s proposed procedures for ensuring compliance with all applicable TRS rules is attached hereto at **Exhibit G**. Applicant is developing a compliance plan that incorporates three key objectives: (1) establishment of an objective basis for enabling PAH! VRS to demonstrate that it meets or exceeds Mandatory Minimum Standard quality standards pursuant to federal regulations and Commission regulations and policies; (2) the placing of primary responsibility on PAH! VRS to demonstrate compliance and implement corrective action if needed, and (3) the minimization, to the greatest extent possible, of Commission resources necessary to verify PAH! VRS’s ongoing compliance.

PAH! VRS plan entails use of quantifiable metrics available for performance reporting consistent with current Commission reporting requirements based on management reports generated through its platform and supervisory analysis, source

documentation review to enable first hand Commission review of performance and operations data where required, *ad hoc* Commission review including test calls, and customer survey result reporting. This proposed plan ensures verifiable ongoing Company compliance with mandatory minimum standards.

4. A description of the provider's complaint procedures, 47 C.F.R. §64.606(a)(2)(iv).

PAH! VRS has implemented a complaint procedure for the timely resolution of user complaints including complaint processing procedures for CA's and related training, documentation procedures consistent with FCC Complaint Log reporting requirements, and escalation procedures. PAH! VRS is also adding a link to its web site, which takes users to a complaint information screen that will provide information on how to make a complaint, as well as enable the user to make a complaint, whether telephonically, via text messaging, or via email, to PAH! VRS's customer service group.

5. A narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards, 47 C.F.R. §64.606(a)(2)(v).

PAH! VRS has undertaken an exhaustive review of its VRS compliance with the Commission's Mandatory Minimum Standards, as documented herein. PAH! VRS maintains that its VRS, now and in the future, will comply with, and will not differ or deviate from, applicable Commission's Mandatory Minimum Standards for the provision of these services.

6. **A narrative establishing that services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards, 47 C.F.R. §64.606(a)(2)(vi).**

Inapplicable. Applicant's services will in all respects comply with, and in no way violate, applicable MMS, as noted *supra*.

7. **Demonstration of status as a common carrier, 47 C.F.R. §64.606(a)(2)(vii).**

PAH! VRS maintains status as a common carrier⁵³ for purposes of TRS Fund eligibility as an interexchange carrier, demonstrated through its Certificate of Public Convenience and Necessity to provide resold interexchange telecommunications services as a common carrier in its headquarters state of Indiana, granted by the Indiana Utility Regulatory Commission.⁵⁴ Evidence of Applicant's common carrier status is attached hereto at **Exhibit H**.

8. **A statement that the provider will file annual compliance reports demonstrating continued compliance with these rules, 47 C.F.R. §64.606(a)(2)(viii).**

Applicant avers that it will file annual compliance reports demonstrating continued compliance with Commission regulations for the provision of VRS under its proposed ongoing compliance process and/or other documentation as may be required by the Commission, including, but not limited to annual financial reporting and projections, annual MMS waiver and non-waived compliance reports, complaint logs, and any such *ad hoc* report as may be requested by the Commission or TRS Fund Administrator, on behalf of the Commission. Bert Pickell, PAH! VRS's Chief Operations Officer, has been

⁵³ 47 U.S.C. §153(10).

⁵⁴ See, e.g. *Verified Application for WATS CTA Issuance*, (CTA # 0808-5), Indiana Utility Regulatory Commission (August 26, 2008).

designated to assume regulatory compliance responsibilities, including timely reporting and liaison with the Commission on all regulatory matters.

9. Specific Compliance with Sections 64.604(c)(5) and 64.606(f)(2) of the Commission's rules.

Applicant is aware that the Commission has in the past, requested additional information regarding planned compliance with sections 64.604(c)(5)⁵⁵ and 64.606(f)(2)⁵⁶ of the Commission's rules as they apply to the provision of compensable VRS services. As set forth below, PAH! VRS acknowledges its obligations under sections 64.604(c)(5) and 64.606(f)(2) of the Commission's rules, and demonstrates that it will comply with the applicable provisions of both regulations with respect to its provision of VRS.

a. Compliance With 47 C.F.R. §64.604(c)(5).

Section 64.604(c)(5) of the Commission's rules, Jurisdictional Separation of Costs, *inter alia* establishes the basis for jurisdictional separations procedures and standards pursuant to section 410 of the Communications Act of 1934, as amended.⁵⁷ The Commission, has expressed particular interest in compliance with section 64.604(c)(5)(C), Data Collection from TRS Providers.

According to Subsection C,

(C) Data collection from TRS Providers. TRS providers shall provide the administrator with true and adequate data necessary to determine TRS fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment in general accordance with part 32 of the Communications

⁵⁵ 47 C.F.R. §64.604(c)(5).

⁵⁶ 47 C.F.R. §64.605(f)(2).

⁵⁷ 47 U.S.C. §410.

Act, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements. The administrator and the Commission shall have the authority to examine, verify and audit data received from TRS providers as necessary to assure the accuracy and integrity of fund payments.

Applicant's senior management has extensive experience in developing systems and procedures for reporting usage data to the federal TRS Fund Administrator through prior employment. Further, Applicant's VRS platform provider, URrelay, Inc. has developed and deployed fully automated management reports already used by other providers for TRS Fund Administration reporting. Applicant's experience and URrelay, Inc.'s established reporting capabilities procedures will ensure effective reporting compliance. And, URrelay's VRS platform reporting capabilities will enable Applicant to fully document and archive operational data for subsequent verification and audits by the Commission and/or TRS Fund Administrator. PAH! VRS is prepared to assume full VRS usage and cost reporting obligations at the time its certification is granted.

b. Compliance With 47 C.F.R. §64.606(f)(2).

Section 64.606(f)(2) of the Commission's rules, Notification of Substantive Changes, obligates VRS providers to inform the Commission of "substantive changes in their [VRS] programs, services, and features within 60 days of when such changes occur, and must certify that the interstate [VRS] provider continues to meet federal minimum standards after implementing the substantive change." PAH! VRS readily acknowledges its responsibility to inform the Commission of substantive changes in the provision of its VRS and ongoing certification of compliance with federal minimum standards after implementing the substantive change. PAH! VRS avers that it will comply with these

responsibilities as set forth in the Commission's rules and any applicable underlying policies.

As a certified VRS provider, PAH! VRS recognizes that the entirety of its operations are subject to appropriate Commission oversight. Because of the dynamic nature of any enterprise, PAH! VRS readily acknowledges its obligation to keep the Commission timely informed of any changes to the Company's services and the effect that such changes may have on ongoing compliance with other MMS. PAH! VRS avers that it will immediately inform the Commission of any substantive change in service features and operations, of the impact of those changes, and certify ongoing compliance with the MMS, in what ever form or process as the Commission may establish or operations pursuant to section 64.606(f)(2). Further, PAH! VRS will maintain frequent informal contact with the Commission, as a courtesy to inform the Commission of Company operations and plans.

V. PAH! VRS COMPLIES WITH APPLICABLE PROVISIONS OF SALIENT FCC ORDERS AND NEWLY PROMULGATED REGULATIONS PERTAINING TO VRS.

In addition to the foregoing, PAH! VRS avers compliance with FCC decisions regarding the provision of VRS and to its efforts to comply with currently waived MMS:

A. Salient Commission Decisions and Newly Promulgated Rules

1. Financial Incentives Declaratory Ruling. On January 26, 2005, the FCC's Consumer & Governmental Affairs Bureau issued a *Financial Incentives*

*Declaratory Ruling.*⁵⁸ The Ruling concluded that “any program that offers any kind of financial incentive or reward for a consumer to place a TRS call, including minimum usage arrangements or programs (whether or not tied to the acceptance of equipment), violates Section 225 of the Communications Act.” According to the Ruling,

in view of the intent and nature of Section 225, and the obligation placed on entities providing voice telephone services to also offer TRS as an accommodation to persons who, because of a disability, cannot meaningfully use the voice telephone system, we interpret Section 225 and the implementing regulations to prohibit a TRS provider’s use of any kind of financial incentives or rewards, including arrangements tying the receipt of equipment to minimum TRS usage, directed at a consumer’s use of their TRS service.

On July 28, 2005, in a related Order, the FCC concluded that “any TRS provider offering to TRS consumers financial incentives relating to free or discount long distance service, as set forth above, SHALL BE ineligible for compensation from the Interstate TRS Fund.”⁵⁹

PAH! VRS Compliance: Applicant offers the VRS exclusively as a tool for the public. Applicant does not, and avers not to offer, an inducement of any kind to promote usage for subscribers, increase, or otherwise inflate conversation minutes, subject to the Commission’s and/or Fund administrator’s ongoing verification. Applicant’s advertising

⁵⁸ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Declaratory Ruling, 20 FCC Rcd 1466, at 1467-1468, para. 4 (Jan. 26, 2005) (*Financial Incentives Declaratory Ruling*) as clarified further in the FCC’s July 28, 2005 *Order* in this proceeding. “We find that offering free or discount long distance service (subject to the exceptions noted below) to TRS consumers as an incentive to use a particular TRS provider’s relay service, or as an incentive for a consumer to make more or longer TRS calls, constitutes an impermissible financial incentive in violation of the *Financial Incentives Declaratory Ruling*.”

⁵⁹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Order, FCC 05-2066 (July 28, 2005), at 4. Emphasis in original.

and outreach will be limited solely to advise prospective subscribers of the availability of Applicant's VRS as an alternative option.

2. Spanish Language Translation Capabilities. Spanish language translation capabilities were waived indefinitely for VRS providers pursuant to the *2004 TRS Report and Order*.⁶⁰ On July 19, 2005, the FCC, in an Order on Reconsideration in response to a Texas Public Utilities Commission petition for reconsideration of the *2004 TRS Report and Order* concluded that "non-shared language Spanish translation [VRS] – relay service in which the CA translates what is signed in ASL into spoken Spanish, and *vice versa* – is a form of TRS compensable from the Interstate TRS Fund. Therefore, although we do not mandate this service, providers offering ASL-to-Spanish VRS may be compensated from the Interstate TRS Fund."⁶¹

PAH! VRS Compliance: Although as noted, a requirement for ASL translation into Spanish is waived for VRS providers by the FCC, the FCC's Order on Reconsideration underscores the expressed desirability for ASL translation into languages other than English. Translation of ASL into spoken languages other than English is increasingly becoming a key component to TRS/VRS. Anticipating increased demand for VRS language translation services, Applicant plans to engage multi-lingual CAs, particularly including those who speak Spanish. Each CA's specialized language capabilities appear on the page made available to subscribers, at the time the subscriber is given the option to select an interpreter.

⁶⁰ *2004 TRS Report and Order*, para 138 and 139

⁶¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Order on Reconsideration, FCC 05-139 (July 19, 2005).

3. Internet-Based TRS Registration and Obligations regarding local number porting to and from interconnected VoIP or Internet-based TRS providers.

The Commission's June 24, 2008 *Report and Order and Further Notice of Proposed Rulemaking* also promulgated two additional regulations associated with emergency call handling procedures established under amended Section 64.605; 1) an Internet-based TRS registration in new Section 64.611;⁶² and 2) an obligation for local number portability in new Section 52.34.^{63 64} As discussed *supra* and below, Applicant complies with, or is prepared to comply with, both new obligations.

§ 64.611 Internet-Based TRS Registration

(a) Default Provider Registration. Every provider of VRS or IP Relay must, no later than December 31, 2008, provide users with the capability to register with that VRS or IP Relay provider as a "default provider." Upon a user's registration, the VRS or IP Relay provider shall:

(1) Either:

(i) Facilitate the user's valid number portability request as set forth in 47 C.F.R. § 52.34; or

(ii) If the user does not wish to port a number, assign that user a geographically appropriate North American Numbering Plan telephone number; and

(2) Route and deliver all of that user's inbound and outbound calls unless the user chooses to place a call with, or receives a call from, an alternate provider.

PAH! VRS Compliance: Applicant is developing the equivalent of a "letter of agency" establishing Applicant as the user's default provider, when the user elects Applicant as

⁶² 47 C.F.R. §64.611.

⁶³ 47 C.F.R. §52.34.

⁶⁴ The *Report and Order and Further Notice of Proposed Rulemaking* also promulgated new Section 64.613, *Numbering Directory for Registered Internet-based TRS Users*, 47 C.F.R. §64.614, applicable to establishment of the TRS Numbering Directory, now administered by Neustar, Inc.

the default provider consistent with section 64.1130 of the Commission's rules.⁶⁵ If the user has been assigned a ten-digit number from a former default provider, Applicant will coordinate with the former provider to obtain transfer the assigned number and amend the Registered Location/TRS Number Directory, consistent with the Commission's number portability requirements pursuant to Section 52.34. Alternatively, Applicant will obtain a new telephone number from its numbering partner, URrelay, which will be assigned to the user and incorporated into the TRS Number Directory. Once the number has been implemented, Applicant will serve as the user's default provider and provide the user in bound and outbound calling.

(b) *Mandatory Registration of New Users.* As of December 31, 2008, VRS and IP Relay providers must, prior to the initiation of service for an individual that has not previously utilized VRS or IP Relay, register that new user as described in paragraph (a) of this section.

PAH! VRS Compliance: Applicant will register all new users in accordance with section 64.611(a), through its new subscriber registration process, as discussed *supra*.

(c) *Obligations of Default Providers and Former Default Providers.*

(1) Default providers must:

- (i) Obtain current routing information, including IP addresses or domain names and user names, from their Registered Internet-based TRS Users;**
- (ii) Provision such information to the TRS Numbering Directory; and**
- (iii) Maintain such information in their internal databases and in the TRS Numbering Directory.**

⁶⁵ 47 C.F.R. §64.1130.

PAH! VRS Compliance: Applicant avers compliance through its internal procedures in conjunction with its numbering partner and VRS Platform provider, URrelay, Inc.

(2) Internet-based TRS providers (and, to the extent necessary, their Numbering Partners) must:

(i) Take such steps as are necessary to cease acquiring routing information from any VRS or IP Relay user that ports his or her number to another VRS or IP Relay provider or otherwise selects a new default provider; and

(ii) Communicate among themselves as necessary to ensure that:

(A) Only the default provider provisions routing information to the central database; and

(B) VRS and IP Relay providers other than the default provider are aware that they must query the TRS Numbering Directory in order to obtain accurate routing information for a particular user of VRS or IP Relay.

PAH! VRS Compliance: Applicant avers compliance through its internal procedures in conjunction with its numbering partner and VRS Platform provider, URrelay, Inc

(d) *Proxy Numbers.* After December 31, 2008, a VRS or IP Relay provider:

(1) May not assign or issue a proxy or alias for a NANP telephone number to any user; and

(2) Must cease to use any proxy or alias for a NANP telephone number assigned or issued to any Registered Internet-based TRS User.

PAH! VRS Compliance: Applicant avers not to assign proxy or alias numbers to any user.

(e) *Customer Premises Equipment (CPE).*

(1) Every VRS or IP Relay provider must ensure that all CPE they have issued, leased, or otherwise provided to VRS or IP Relay users delivers routing information or other information only to the user's default provider, except as is necessary to complete or receive "dial around" calls on a case-by-case basis.

(2) All CPE issued, leased, or otherwise provided to VRS or IP Relay users by Internet-based TRS providers must be capable of facilitating the requirements of this section.

PAH! VRS Compliance: Applicant will not issue CPE.

(f) User Notification. Every VRS or IP Relay provider must include an advisory on its website and in any promotional materials addressing numbering or E911 services for VRS or IP Relay.

(1) At a minimum, the advisory must address the following issues: (i) the process by which VRS or IP Relay users may obtain ten-digit telephone numbers, including a brief summary of the numbering assignment and administration processes; (ii) the portability of ten-digit telephone numbers assigned to VRS or IP Relay users; (iii) the process by which persons using VRS or IP Relay may submit, update, and confirm receipt by the provider of their Registered Location information; and (iv) an explanation emphasizing the importance of maintaining accurate, up-to-date Registered Location information with the user's default provider in the event that the individual places an emergency call via VRS or IP Relay.

(2) VRS and IP Relay providers must obtain and keep a record of affirmative acknowledgement by every Registered Internet-based TRS User of having received and understood the advisory described in this subsection.

PAH! VRS Compliance: Applicant is posting an advisory on its web site, www.pahvrs.com, to comply with subsection f(1). Applicant's advisory will also be provided to new subscribers at the time of subscription. Applicant will maintain a permanent hard copy record of all new subscriptions and number assignments obtained via the Internet, via email, or via letter or telephonic subscriptions.

§ 52.34 Obligations regarding local number porting to and from interconnected VoIP or Internet-based TRS providers.

(a) An interconnected VoIP or VRS or IP Relay provider must facilitate an end-user customer's or a Registered Internet-based TRS User's valid number portability request, as it is defined in this subpart, either to or from a telecommunications

carrier or an interconnected VoIP or VRS or IP Relay provider. “Facilitate” is defined as the interconnected VoIP or VRS or IP Relay provider’s affirmative legal obligation to take all steps necessary to initiate or allow a port-in or port-out itself or through the telecommunications carriers, if any, that it relies on to obtain numbering resources, subject to a valid port request, without unreasonable delay or unreasonable procedures that have the effect of delaying or denying porting of the NANP-based telephone number.

(b) An interconnected VoIP or VRS or IP Relay provider may not enter into any agreement that would prohibit an end-user customer or a Registered Internet-based TRS User from porting between interconnected VoIP or VRS or IP Relay providers, or to or from a telecommunications carrier.

PAH! VRS Compliance: Applicant avers to compliance as evidenced by the attached advisory, subject to subsequent Commission verification.

B. PAH! VRS Compliance With Waived MMS for VRS

The Commission, in its *Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking* in CH Docket No. 03-123 *et al.*,⁶⁶ as amended, extended waivers of certain telecommunications relay service (“TRS”)⁶⁷ mandatory minimum standards for the provision of VRS. Specifically, the *2004 TRS Report and Order* extend waivers of the TRS mandatory minimum standards to VRS applicable for: (1) types of calls that must be handled; (2) emergency call handling; (3) speed of answer; (4) equal access to interexchange carriers; and (5) pay-per-call services. Further, the *2004 TRS Report and Order* extended waivers for Voice Initiated Calls and HCO, VCO–

⁶⁶ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, CC Docket Nos. 90-571 and 98-67, CH Docket No. 03-123, FCC Rcd. at 12520-12521, para. 111 *et seq.* [“2004 TRS Report and Order”].

⁶⁷ *See*, 47 C.F.R. §64.604.

to-TTY; HCO-to-TTY; VCO-to-VCO; HCO-to-HCO; Call Release; 3-way Calling; and Speed Dialing.⁶⁸

As discussed below, Applicant already complies with – or is diligently working to comply with – the Commission’s *2004 TRS Report and Order* current waiver extension conditions, as amended.

1. Types of Calls. Commission rules require TRS providers to handle any type of call normally handled by common carriers.⁶⁹ In the *VRS Waiver Order*,⁷⁰ the Commission granted VRS providers a two-year waiver of the requirement to offer operator assisted calls and to bill certain types of long distance calls to the end user.⁷¹ The Commission conditioned this waiver on VRS providers allowing “VRS calls to be place[d] using calling cards and/or provid[ing] free long distance calls during the waiver period.”^{72 73}

⁶⁸ 2004 TRS Report and Order at ¶112 and Appendix E, as amended; One-line voice carry over (VCO); VCO-to-teletypewriter (TTY); VCO-to-VCO; one-line hearing carry over (HCO); HCO-to-TTY; HCO-to-HCO; call release; speech-to-speech (STS); pay-per-call (900) calls; types of calls; equal access to interexchange carriers; and speed dialing extended for one year (four months in the case of speed dialing for VRS), “because the record demonstrates that it is technologically infeasible for VRS and IP Relay providers to offer these services at this time.” “The Bureau allowed the waivers of three-way calling for VRS and IP Relay to expire on January 1, 2008. The waivers of certain TRS mandatory minimum standards for VRS and IP Relay will expire on January 1, 2009, except the waiver of the speed dialing requirement for VRS, which will expire on April 30, 2008.” *See, e.g. Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, DA 07-5098 (Dec. 26, 2007); *See also Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, CG Docket 03-123, DA 07-098; DA 08-45; *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket 03-123 and WC Docket No. 05-196, *Report and Order*, FCC 08-78 (March 19, 2008)[“*Interim Emergency Call Handling Order*”].

⁶⁹ *See* 47 C.F.R. § 64.604(a)(3).

⁷⁰ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, DA 01-3029, 17 FCC Rcd 157 (Dec. 31, 2001) (“*VRS Waiver Order*”)[footnote supplied].

⁷¹ *VRS Waiver Order* at ¶ 10.

⁷² *Id.*

⁷³ 2004 TRS Report and Order, ¶ 113, footnotes from original.

PAH! VRS Compliance: Applicant's VRS platform already enables compliance with the *Types of Calls* requirement. Applicant maintains the capability of providing any type of call function otherwise available from common carriers including, but not limited to, operator assisted calls and the ability to support pay-per call services. Applicant has established procedures that enable use of operator assisted calling through the caller's preferred carrier or Applicant's default presubscribed carrier's operator services if not otherwise specified, and the ability to pass along caller credit card information for purposes of billing pay-per-call calls. Applicant will not bill callers for long distance services, consistent with Equal Access VRS waiver obligations.

2. *Speed of Answer.* Our rules mandate that 85 percent of relay calls must be answered within 10 seconds "by any method which results in the caller's call immediately being placed, not put in a queue or on hold."⁷⁴ Because this rule is based on projected call volumes and such projections are difficult to make for a new service, the *VRS Waiver Order* waived this TRS mandatory minimum standard for VRS providers.⁷⁵ The Commission's aim was to encourage more entrants into the VRS market and help provide more time for technology to develop.⁷⁶ The Commission also reasoned that because demand for VRS was undetermined, the 85/10 rule might keep potential VRS providers out of the market, thereby hindering the development and growth of VRS.^{77 78}

PAH! VRS Compliance: Applicant already meets this standard. Please refer to response to Speed of Answer. (47 C.F.R. §64.604(b)(2)), Standard (ii), page 37, *supra*.

⁷⁴ See 47 C.F.R. § 64.604(b)(2). This rule is often referred to as the 85/10 rule.

⁷⁵ *VRS Waiver Order* at ¶ 16.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ 2004 TRS Report and Order, ¶ 119, footnotes from original.

3. *Equal Access to Interexchange Carriers.* Our rules require that TRS users have access to their chosen interexchange carrier through TRS to the same extent that such access is provided to voice users.⁷⁹ In the *VRS Waiver Order*, the Commission granted VRS providers a two-year waiver of this TRS mandatory minimum standard, recognizing that the systems necessary to hand off a video teleconferencing call to a carrier preferred by the end user do not yet exist.^{80 81}

PAH! VRS Compliance: Applicant already meets this standard. Please refer to response to Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3)). page 40 *supra*.

4. *Pay-Per-Call Services – 900 number calls.* Our rules require TRS providers to be capable of handling pay-per-call calls (*i.e.*, 900 number calls).⁸² The *VRS Waiver Order* granted VRS providers a two-year waiver of this TRS requirement, noting that demand for pay-per-call VRS was expected to be low and the cost of compliance was high.^{83 84}

PAH! VRS Compliance: Applicant avers to already having the capability to process such calls. Please refer to response to the pay-per-call requirement (47 C.F.R. §64.604(a)(3)) Standard (iv) page 27 *supra*.

VI. THE GRANTING OF THE INSTANT PETITION IS IN THE PUBLIC INTEREST

Although certification of compliance with federal mandatory minimum standards pursuant to sections 64.604 and 64.606 is fact-based and does not impose a public interest

⁷⁹ See 47 C.F.R. § 64.604(b)(3); see also *Second Improved TRS Order & NPRM* at ¶¶ 54-61.

⁸⁰ *VRS Waiver Order* at ¶¶ 17-18.

⁸¹ 2004 TRS Report and Order at ¶ 124, footnotes from original.

⁸² See 47 C.F.R. § 64.604(c)(6).

⁸³ *VRS Waiver Order* at ¶¶ 19-20.

⁸⁴ 2004 TRS Report and Order, ¶ 130, footnotes from original.

standard test, Applicant maintains that the granting of the instant Petition is in the public interest and will benefit the public throughout the U.S.

A. PAH! VRS's Service Will Introduce A Technologically-Advanced VRS Option To the Public That Brings Deaf and Disabled Users a Step Closer to "Functionally Equivalent" Communications.

Applicant's deployment of a retail VRS, made possible through the grant of the instant Petition, will enable users to gain additional flexibility in communications. As PAH! VRS's software, VoIP-based VRS is accessible from any computer having a wireline or wireless broadband connection, users gain mobility and enhanced ease in connection. Users will not require specialized equipment, but will be able to expand the utility of their computers for sight-based, interactive communications from a home, office, or remote location. These capabilities bring the speech and hearing disabled a major step closer to the "functionally equivalent" communications they deserve, and that Congress and the FCC have established as a matter of public policy.

B. The Granting of the Instant Application Will Promote Innovation and Improved Service by All Providers

The granting of the instant Application and PAH! VRS's subsequent provision of VRS services will provide the public, and Deaf users in particular, with an added choice of service providers. This new alternative will create competitive pressure on existing providers to innovate, incorporate new advanced technology approaches, and improve service offerings and capabilities, to the ultimate benefit of consumers. While PAH! VRS will use the same basic VRS platform used by other providers, the key to its success will be in how the Company differentiates itself from other providers, consistent with basic competitive business practices. Applicant maintains that the experience of its

senior management team, its CA's and management team's deep and established connection with the Deaf Community, and dedication to providing an exceptional caller experience by focusing on caller needs through service and technology, among other factors, will directly contribute toward making PAH! VRS a desirable provider of VRS services.

C. The Granting of the Instant Application Will Enhance Access to Information Through PAH! VRS's Outreach Efforts

PAH! VRS will engage in an extensive outreach program, which will include information regarding VRS accessibility and moreover, a host of information that will benefit the speech and hearing impaired community, as discussed above. PAH! VRS commits to fund an outreach program that will increase the accessibility of information and program content geared to enhancing the lives of speech and hearing impaired.

D. PAH! VRS Will Contribute to the Expansion of the Pool of Certified CAs.

PAH! VRS will devote resources to accredited educational institutions that maintain certified CA training programs to help expand the pool of CAs. PAH! VRS is evaluating a number of successful interpreter training programs to improve access and quality of such programs with the goal of expanding the supply of highly qualified interpreters available to the Deaf community in all settings. Further, PAH! VRS will create job opportunities for graduates, and will assist educational institutions with job placement, as desired by the institution.

E. PAH! VRS Will Contribute to the Deployment of Broadband Access.

As PAH! VRS's VRS is broadband-based, use of PAH! VRS's VRS will increase demands for broadband services in all parts of the state. This will accelerate broadband deployment, consistent with federal and state policies.

VII. CONCLUSION

The Commission's *Report and Order* establishes a process whereby a VRS - and IP relay - provider may seek Commission certification of compliance with applicable minimum mandatory standards. This certification process now enables companies like PAH! VRS, to draw from the federal TRS fund for the provision of compensable VRS, when not otherwise associated with a state program, when demonstrating compliance with the MMS and meeting the other requirements under section 605(a)(2).

PAH! VRS has invested considerable resources and effort in developing desirable full-featured VRS services for the Deaf Community, consistent with Congress' and the Commission's established policy of promoting "functionally equivalency" in telecommunications services between the disabled and others. PAH! VRS's ability to make its services generally available to the Deaf Community and other callers is predicated on its ability draw from the federal TRS fund to recoup the costs associated with the provision of these services.

PAH! VRS has ensured ongoing compliance with the Commission's Mandatory Minimum Standards, currently waived Standards, and Orders, through a plan that incorporates complementary tools, adequate procedures and remedies. PAH! VRS has implemented a process for providing users with information regarding complaint

procedures, and maintains a fully staffed customer service center and complaint logging capabilities, consistent with existing complaint logging requirements.

Finally, PAH! VRS has demonstrated that its services do not differ, or in any way violate, the Commission's applicable Mandatory Minimum Standards.

PAH! VRS further avers to comply with ongoing reporting and audit requirements and such additional requirements as may from time to time be imposed by the Commission with respect to VRS services, including reports or response to *ad hoc* information requests, on-site visits, inspection of books, materials, and operations.

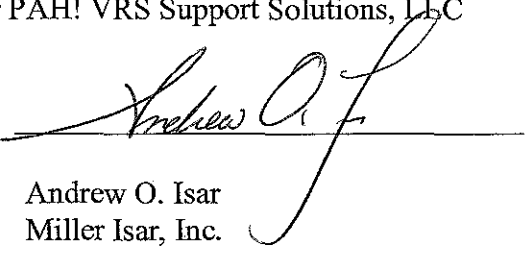
PAH! VRS acknowledges Commission certification of compliance is not static, but entails ongoing verification. PAH! VRS will at all times cooperate with the Commission and assist the Commission in verification of compliance, response to complaints and inquiries, and in any such requirement or request as may be made by the Commission to PAH! VRS. PAH! VRS will also provide the Commission with such information regarding PAH! VRS's operations as will be needed by the Commission to comply with FCC state TRS/VRS re-certification requirements pursuant to sections 64.604 and 64.606, as amended, of the FCC's rules.

WHEREFORE, PAH! VRS Support Solutions, LLC hereby respectfully requests that the Commission certify compliance with Mandatory Minimum Standards for the provision of VRS as a provider eligible for compensation from the federal TRS fund, for the provision of VRS.

Respectfully submitted, this 20th day of November, 2008.

For PAH! VRS Support Solutions, LLC

By: _____


Andrew O. Isar
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335

Regulatory Consultant to
PAH! VRS Support Solutions, LLC

**Before the
Federal Communications Commission
Washington, D.C. 20554**

| | | |
|--|---|----------------------|
| In the Matter of |) | |
| |) | |
| Application of PAH! VRS Support Services, |) | |
| LLC for Eligibility to be Compensated From the |) | CG Docket No. 03-123 |
| Interstate Telecommunications Relay Service |) | |
| Fund For the Provision of Video Relay Services |) | |

LISTING OF EXHIBITS

- A Senior Management Experience, Representative Communications Assistant
 Curriculum Vitae

- B Sample Call Detail Record Data Format

- C User VRS Call Screen

- D URrelay, Inc. 911 Call Processing

- E 911 User Advisory

- F Result of Neustar, Inc. Registered Location Database Registration Efforts

- G Service Quality Verification Mechanisms

- H Indiana Utility Regulatory Commission Certificate of Public Convenience
 and Necessity; Evidence of Status as a Common Carrier

Exhibit A

Senior Management Experience Representative Communications Assistant *Curriculum Vitae*

Chief Executive Officer, Manager: Brian Collins

Mr. Collins is a nationally certified Interpreter for the Deaf and is a Child of Deaf Adults (CODA). He worked for a leading VRS service provider for the last 3 years. During that time, Mr. Collins performed as a Video Relay Interpreter, a Call Center Director with more than 50 staff interpreters, and a Central Region District Manager. Mr. Collins has been responsible for managing as many as six VRS centers and a budget of over \$8 M. In addition to his managerial responsibilities, Mr. Collins was also charged with the implementation of 10 new call centers. This included all responsibilities from site feasibility studies and selection through launch. Prior to this Mr. Collins also worked at the Indiana School for the Deaf as a Staff Interpreter and an Interpreting Services Supervisor for more than 10 years.

Chief Financial Officer, Secretary, Manager: David Jeffers

Mr. Jeffers has spent the last 35 years as an IT professional serving in the banking industry, credit card processing industry and currently in the insurance industry. As an IT professional, Mr. Jeffers has held various senior management positions, provided consulting services and managed major project initiatives. Additionally, Mr. Jeffers has been a partner and franchisee for Cartridge World. Cartridge World is the largest and fastest growing ink remanufacturing franchise in the US. The Cartridge World store in Columbus, Georgia, has consistently been rated in the top 25% of more than 650 US stores in its third year of operation. – REDACTED -

Herbert L. Pickell, III, Chief Operations Officer

Mr. Pickell served as is co-CEO of the ClubDeaf.com, LLC in La Jolla, California. Both of his parents are deaf. He is studying toward a PhD. in Language and Communicative Disorders, at the San Diego State University and University of California, San Diego, CA. He is a member of the Gallaudet University Alumni Association and is an Alice Cogswell Award Recipient, 2004. Mr. Pickell is also active with the Academy of Aphasia, and CODA (Children of Deaf Adults) International.

| | |
|------------------|---|
| Objective | To apply several years experience as a sign language interpreter in an institution that is progressive and desires growth and productivity through initiative and strong people programs. |
|------------------|---|

| | |
|-----------------------|---|
| Career Summary | Demonstrated an exceptional ability to serve as an interpreter for deaf and the hearing impaired students in the elementary and secondary school. Interpreted teacher's directions/messages in sign to the students and the students' questions/responses to the teacher. |
|-----------------------|---|

| | |
|----------------------------|---|
| Material Management | Prepared instructional materials related to class lessons by typing, duplicating, arranging, or displaying materials according to oral or written instructions. |
|----------------------------|---|

| | |
|-----------------------------------|--|
| Human Resources Management | Conducted group tutoring in specialized subject area and supervises independent study in laboratories and learning resource centers, distributes testing materials, instructs students concerning tests and collecting test materials. |
|-----------------------------------|--|

| | |
|----------------------------------|---|
| Sign Language Interpreter | Designated as a Child of Deaf Adults (CODA) and have over seven years professionally interpreting for teachers, students, and the deaf community. Fluent language is American Sign Language (ASL). Additionally, interpret and translate contact, Signed Exact English (SEE) and transliterations. Also have some experience with the deaf and blind. |
|----------------------------------|---|

**Chronology of
Experience**

REDACTED

Education

Affiliations

Personal References

**request
Personal**

References

Exhibit B

Sample Call Detail Record Data Format

| id | t_connected | t_queued | t_processed | t_answered | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|---------------|--|--|--|
| 480385 | 2008/05/10 09:41:17 | 2008/05/10 09:41:17 | 2008/05/10 09:41:17 | 2008/05/10 09:41:17 | | | | |
| 480371 | 2008/05/10 09:09:05 | 2008/05/10 09:09:05 | 2008/05/10 09:09:05 | 2008/05/10 09:09:05 | | | | |
| 480379 | 2008/05/10 09:09:05 | 2008/05/10 09:09:05 | 2008/05/10 09:09:05 | 2008/05/10 09:09:05 | | | | |
| 480416 | 2008/05/10 11:03:14 | 2008/05/10 11:03:14 | 2008/05/10 11:03:14 | 2008/05/10 11:03:14 | | | | |
| 480417 | 2008/05/10 11:03:14 | 2008/05/10 11:03:14 | 2008/05/10 11:03:14 | 2008/05/10 11:03:14 | | | | |
| 481404 | 2008/05/12 13:20:46 | 2008/05/12 13:20:46 | 2008/05/12 13:20:46 | 2008/05/12 13:20:46 | | | | |
| 481406 | 2008/05/12 13:21:50 | 2008/05/12 13:21:50 | 2008/05/12 13:21:50 | 2008/05/12 13:21:50 | | | | |
| 481400 | 2008/05/12 12:22:21 | 2008/05/12 12:22:21 | 2008/05/12 12:22:31 | 2008/05/12 12:22:31 | | | | |
| 481401 | 2008/05/12 12:22:33 | 2008/05/12 12:22:33 | 2008/05/12 12:23:03 | 2008/05/12 12:23:03 | | | | |
| t_dialed_out | t_relay_start | t_relay_end | relay_seconds | t_session_start | | | | |
| 2008/05/10 09:41:30 | 2008/05/10 09:41:30 | 2008/05/10 09:41:30 | 0 | 2008/05/10 09:41:17 | | | | |
| 2008/05/10 09:09:58 | 2008/05/10 09:10:04 | 2008/05/10 09:10:31 | 27 | 2008/05/10 09:09:05 | | | | |
| 2008/05/10 09:10:38 | 2008/05/10 09:10:43 | 2008/05/10 09:26:39 | 956 | 2008/05/10 09:10:38 | | | | |
| 2008/05/10 11:04:05 | 2008/05/10 11:04:18 | 2008/05/10 11:05:43 | 85 | 2008/05/10 11:03:14 | | | | |
| 2008/05/10 11:05:45 | 2008/05/10 11:06:08 | 2008/05/10 11:10:38 | 270 | 2008/05/10 11:05:45 | | | | |
| 2008/05/12 13:23:43 | 2008/05/12 13:23:43 | 2008/05/12 13:23:43 | 0 | 2008/05/12 13:20:46 | | | | |
| 2008/05/12 13:23:52 | 2008/05/12 13:23:52 | 2008/05/12 13:23:52 | 0 | 2008/05/12 13:21:50 | | | | |
| 2008/05/12 12:22:31 | 2008/05/12 12:22:31 | 2008/05/12 12:22:31 | 0 | 2008/05/12 12:22:31 | | | | |
| 2008/05/12 12:23:03 | 2008/05/12 12:23:03 | 2008/05/12 12:23:03 | 0 | 2008/05/12 12:23:03 | | | | |
| t_session_end | session_seconds | ca_id | ca_pos | unique_id | ID | | | |
| 2008/05/10 09:41:30 | 13 | 1234 | 123 | 192.168.0.1 | 1210426877829 | | | |
| 2008/05/10 09:10:38 | 93 | 1234 | 123 | 192.168.0.2 | 1210424945069 | | | |
| 2008/05/10 09:26:40 | 962 | 1234 | 123 | 192.168.0.3 | 1210424945069 | | | |
| 2008/05/10 11:05:45 | 151 | 1234 | 123 | 192.168.0.4 | 1210431794066 | | | |
| 2008/05/10 11:10:40 | 295 | 1234 | 123 | 192.168.0.5 | 1210431794066 | | | |
| 2008/05/12 13:23:43 | 177 | 1234 | 123 | 192.168.0.6 | 1210612846407 | | | |
| 2008/05/12 13:23:52 | 122 | 1234 | 123 | 192.168.0.7 | 1210612910537 | | | |
| 2008/05/12 12:22:31 | 0 | 1234 | 123 | 192.168.0.8 | 1210612941337 | | | |
| 2008/05/12 12:23:03 | 0 | 1234 | 123 | 192.168.0.9 | 1210612953216 | | | |

Exhibit B

Sample Call Detail Record Data Format (Continued)

| ACCESS | cc_id | cli_type | abandon | term_num | orig_ip |
|-------------------|-------|----------|---------|----------------|-------------|
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.1 |
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.2 |
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.3 |
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.4 |
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.5 |
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.6 |
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.7 |
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.8 |
| 66.211.1.188_DL10 | cdr | EN VRS | FALSE | (317) 966-2718 | 192.168.0.9 |

| bdr_link_key | rejected | username | e911 |
|--------------|----------|---------------|------|
| | FALSE | Barney | 0 |
| | FALSE | Barney Fife | 0 |
| | FALSE | Barney Rubble | 0 |
| | FALSE | Barney Miller | 0 |
| | FALSE | Blarney | 0 |
| | FALSE | Sam I Am | 0 |
| | FALSE | I C U | 0 |
| | FALSE | U C ME | 0 |
| | FALSE | WE C WE | 0 |

Exhibit C

User VRS Call Screen

URrelay - Now UR Talking! ®

urrelay.com | FAQ | About Relay | Contact Us

1 Enter 'Number to Dial' 2 Press 'Connect' 3 Wait for CA 4 Start UR Conversation!

Number to Dial

Connect

CA Instructions

Enter Special Instructions here

CA Gender

First Available

File Edit

Hangup Clear SansSerif 16

Status: not connected

Exhibit D

URrelay, Inc. 911 Call Processing (U.S. Originated 911 Calling Only)

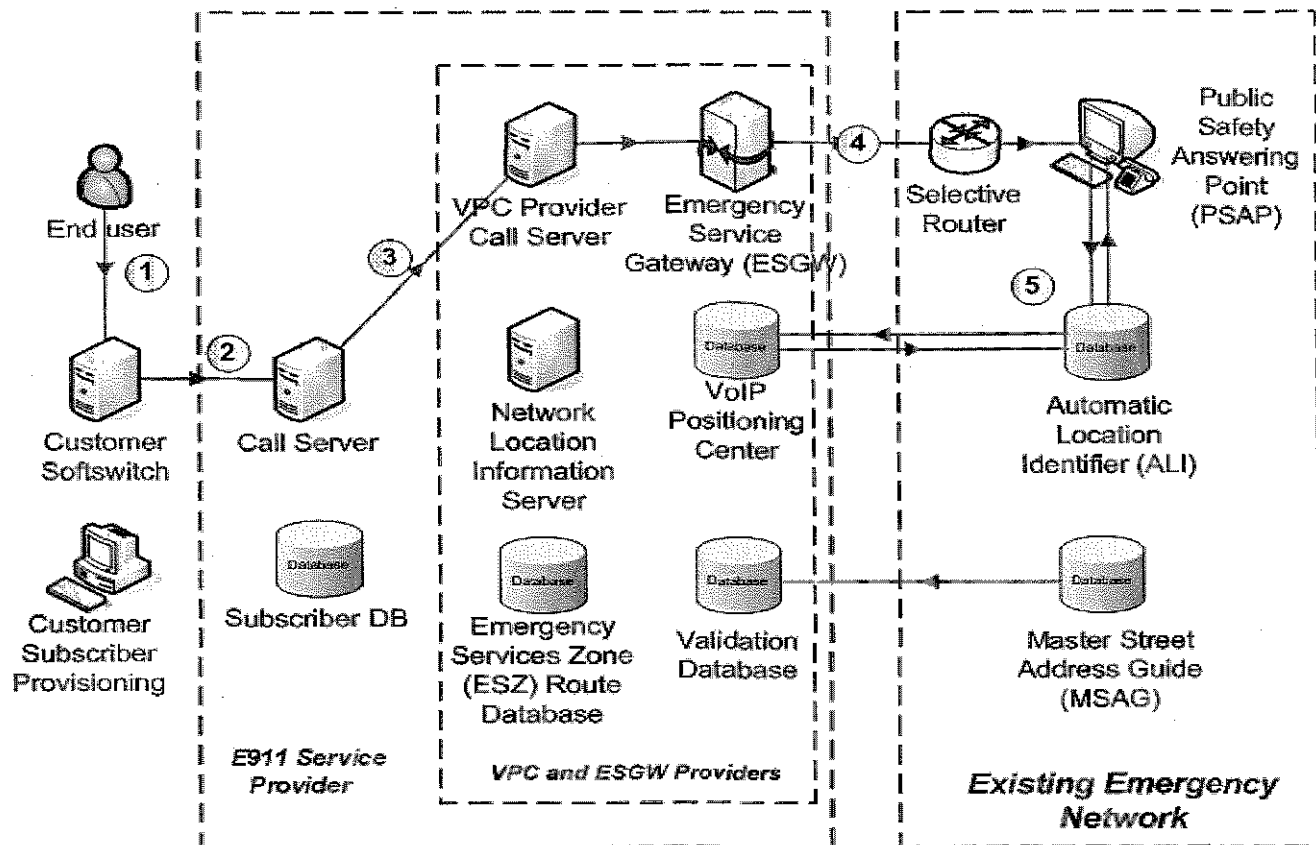


Exhibit E

911 User Advisory

Thank you for using PAH! VRS! The following is important information about using video relay services to place 911 calls in the event of an emergency.

Under a recent Federal Communications Commission ruling, you will be able to use VRS to place 911 emergency calls that will be routed to the local emergency dispatcher (public safety access point) located closest to you!

When using VRS on your computer or videophone to place an emergency call, you will be connected to a PAH! VRS interpreter or operator first, before being connected to your closest emergency response center. You will be asked to give your full name and location information at the beginning of the call, or if you have previously provided this information, you will be asked to confirm that the information provided remains current. The interpreter or operator will contact an emergency response center in your area and relay your information to the dispatcher at the center.

911 VRS calling capabilities are scheduled to be fully implemented by the industry later this year. Until then, please note the following:

Since a TTY call is a direct call, and does not involve an interpreter or operator, your calls are automatically routed to your closest emergency response center. Calling 911 through your TTY or home phone and leaving the phone off the hook is the best and fastest way to get response from the local emergency response center closest to you until VRS 911 capabilities are fully functional.

Every minute is important in an emergency, and any relay call is not as fast as a direct TTY or silent phone-off-hook call. In the near term, it will often be faster to call 911 through TTY or silent phone-off-hook instead of through relay. There are some things you need to remember when you make a 911 call through your computer, videophone or pager. Your computer needs to be on and connected to the Internet for you to be able to call 911 through Internet-based text or video relay services. If your Internet connection is not working, call 911 through your TTY. If your videophone is not on, connected to the Internet, or you can't see the interpreter, use your TTY to call 911 instead.

We will soon have more information on E-911 procedures and how you can make an emergency video relay call through us. Additional information is available through the Federal Communications Commission at <http://www.fcc.gov/cgb/consumerfacts/voip911.html> or by contacting PAH! VRS at 317.534.2474. Thank you for using PAH! VRS!

Exhibit F

Result of Neustar, Inc. Registered Location Database Registration Efforts

From: "Rosen, Brian" <Brian.Rosen@neustar.biz>
Date: October 23, 2008 9:36:01 AM EDT
To: <bert@pahvrs.com>
Cc: "** CCS Help Desk" <CCSHelpDesk@neustar.biz>
Subject: Request to obtain access to the iTRS ENUM Database for PAH!
VRS

Bert

Recently, you filled out the form requesting access to the iTRS ENUM Database operated by NeuStar under contract to the FCC. FCC rules require us to limit access to the database to providers who are eligible to receive compensation from the Interstate TRS Fund for VRS or IP Relay services. To determine eligibility we use the reports generated by NECA, the Fund Administrator, or if necessary, contact the NECA Administrator directly. As PAH! VRS is not listed on the NECA reports, we are unable to provide you access. If you have recently become eligible, and NECA can confirm that to us, then we can grant you access.

Brian

Exhibit G

Service Quality Verification Mechanisms (Attached)

SERVICE QUALITY VERIFICATION MECHANISMS

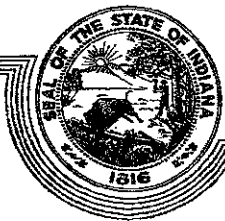
| Verification Mechanism: | Performance Reporting | Source Doc. Review | Ad hoc Checks | Customer Surveys | System Checks | On Site Visits |
|---|-----------------------|--------------------|---------------|------------------|---------------|----------------|
| Mandatory Minimum Standard | | | | | | |
| Operational Standards | | | | | | |
| <u>Communications Assistant</u> | | | | | | |
| CA Employment Standards | X | X | | | X | X |
| CA Skill Standards | X | X | | | X | X |
| VRS Call Processing | X | | X | | X | X |
| <u>Confidentiality and Conversation Content</u> | | | | | | |
| Prohibition Against Disclosure | | X | X | | | X |
| Prohibition Against Altering Com | | X | X | | | X |
| <u>Types of Calls</u> | | | | | | |
| Prohibition Against Refusal | X | X | | X | X | |
| Carriage of All Call Types | X | X | | X | X | |
| Denial of Calls | X | X | | X | X | |
| Pay-per-Call | X | X | | X | X | |
| Calling Capability | X | X | | X | X | |
| Call Features | | | X | | X | |

| Verification Mechanism: | Performance Reporting | Source Doc. Review | Ad hoc Checks | Customer Surveys | System Checks | On Site Visits |
|---|-----------------------|--------------------|---------------|------------------|---------------|----------------|
| Mandatory Minimum Standard | | | | | | |
| Operational Standards, continued | | | | | | |
| <u>Emergency Call Handling</u> | | | | | | |
| Handling of Emergency Calls | | X | | | X | |
| <u>Speech to Speech Called Numbers</u> | | | | | | |
| STS Called Numbers | | X | | | X | |
| Technical Standards | | | | | | |
| <u>ASCII and Baudot</u> | | | X | | X | |
| <u>Speed of Answer</u> | | | | | | |
| Answer Time | X | | X | | X | |
| <u>Equal access to IXC's</u> | | | X | | X | |
| <u>TRS Facilities</u> | | | | | | |
| Hours of Operation | | | | | X | X |
| Redundancy | | | | | X | X |
| <u>Technology</u> | | X | | | | |
| <u>Caller ID</u> | | | X | | X | |
| Functional Standards | | | | | | |
| <u>Customer Complaint Log</u> | | X | | | | |
| <u>Complaint Log Submission</u> | | X | | | | |
| <u>Contact Persons</u> | | X | | | | |
| <u>Public Access to Information</u> | X | X | | | | |
| Rates | | X | | | | |

Exhibit H

Indiana Utility Regulatory Commission Certificate of Public Convenience and Necessity;
Evidence of Status as a Common Carrier
(Attached)

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
101 W. WASHINGTON STREET, SUITE 1500E
INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>
Office: (317) 232-2701
Facsimile: (317) 232-6758

August 26, 2008

Andrew O. Isar
Miller Isar Inc.
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335

RE: Verified Application for WATS CTA Issuance (CTA # 0808-5)
PAH! VRS Support Services, LLC

Dear Mr. Isar:

Pursuant to this Commission's Seventh Supplemental Order in Cause No. 38149, we have received and processed the enclosed application for a Certificate of Territorial Authority (CTA) to resell Wide Area Telephone Services (WATS) and/or interexchange intrastate telecommunications services within the state of Indiana. This letter of acknowledgement hereby grants the company named above the authority to provide these specified services in Indiana under the above captioned CTA number.

A copy of the application has been retained for our files.

Cordially,

A handwritten signature in black ink, appearing to read "Brandy Darlington", with a stylized flourish at the end.

Brandy Darlington
Tariff Administrator

Enclosure

cc: WATS file



VERIFIED APPLICATION FOR ISSUANCE OF A CERTIFICATE OF TERRITORIAL
AUTHORITY TO RESELL WIDE AREA TELEPHONE SERVICE AND/OR
INTEREXCHANGE INTRASTATE TELECOMMUNICATIONS SERVICES WITHIN THE
STATE OF INDIANA (As addressed by Cause No. 38149)
State Form 50491 (R/11-06)
INDIANA UTILITY REGULATORY COMMISSION

RECEIVED

AUG 25 2008

(Instructions: Complete all blanks and include supporting documentation as attachments to this form.)

INDIANA UTILITY REGULATORY COMMISSION
TELECOMMUNICATIONS DIVISION

To the Telecommunications Division of the Indiana Utility Regulatory Commission ("IURC"):

PAH! VRS Support Services, LLC ("Applicant")
hereby applies to the Indiana Utility Regulatory Commission for a Certificate of Territorial Authority
("CTA") to resell wide area telephone services and/or interexchange, intrastate telecommunications
services in Indiana, and represents that:

1. Applicant's principal name (including any "doing business as (d/b/a)" names) as authorized by the
Indiana Secretary of State is: (Attach a copy of approval Certificate of Authority from Indiana Secretary of State.)

(a) Principal Name: PAH! VRS Support Services, LLC

(b) d/b/a Name: _____

2. Applicant's principal address, telephone number, fax numbers and regulatory contact person for
purposes of these proceedings and any subsequent IURC communications is:

PAH! VRS Support Services, LLC
(a) Address: 1 Waterfall Way
Cataula, Georgia 31804

(b) Telephone No.: 317.966.2718 FAX No.: _____

(c) Contact Person & Title: Herbert Pickell

3. Applicant requests a CTA for the following geographic area:

(a) Geographic area: State of Indiana
(Typically, "State of Indiana")

4. The principal name, address, telephone number, fax number of Applicant's parent company is:

(a) Company Name: Applicant is not owned by any other corporate entity.

(b) Address: _____

(c) Telephone No.: _____ FAX No.: _____

Applicant further represents that it:


- Has the financial, managerial, and technical ability to provide the services for which it hereby requests a CTA.
- Will comply with Indiana laws and the Commission's regulation and orders of generic application concerning the resale of WATS and/or interexchange, intrastate telecommunications services in Indiana which do not constitute an unlawful barrier to entry into the telecommunications marketplace for such service;
- Will pay the public utility fee required by I.C. 8-1-6;
- Will provide a copy of this verified application to each facilities-based local exchange company ("LEC") as maintained by the Commission's Telecommunications Division;
- Will advise any such LEC of the nature of Applicant's use of such LEC facilities and pay such LEC the lawful Commission approved tariffed rates for such services; and,
- Will notify the Commission within thirty (30) days of any changed or additional name under which it will provide services, and any change of address of Applicant's principal business address or change in name of persons authorized to receive notice on behalf of the Applicant.

VERIFICATION

I affirm under the penalties of perjury that the foregoing representations are true.

Officers Name & Title: Herbert Pickell

Printed

Signature & Date:  August 18, 2008 Phone Number: 317-966-2718

IURC Staff Use Only:

CERTIFICATE OF TERRITORIAL AUTHORITY

A Certificate of Territorial Authority to provide public utility service (as defined by I.C. 8-1-2-1) and telephone service as a telephone company (as those terms are defined by I.C. 8-1-2-88) as set forth in the foregoing application is hereby issued to the Applicant discussed herein to resell wide area telephone services and/or interexchange, intrastate telecommunications services in accordance with and subject to the provisions of the Indiana Utility Regulatory Commission's Orders in Cause No. 38149, and the process established by the Seventh Supplemental Order issued on January 14, 1998, in that Cause.

Acknowledged by the IURC: B. Darlington CTA No.: 0808-5 Date: AUG 26 2008

State of Indiana
Office of the Secretary of State

CERTIFICATE OF AUTHORITY
of
PAH! VRS SUPPORT SERVICES, LLC

I, TODD ROKITA, Secretary of State of Indiana, hereby certify that Application for Certificate of Authority of the above Georgia Foreign Limited Liability Company (LLC) has been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Business Flexibility Act.

NOW, THEREFORE, with this document I certify that said transaction will become effective Monday, August 11, 2008.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, August 11, 2008.

A handwritten signature in black ink, reading "Todd Rokita".

TODD ROKITA,
SECRETARY OF STATE

2008081200267 / 2008081249116